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**UNEMPLOYMENT INSURANCE ACT**

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# Unemployment Insurance Regulations

Regulations Made by the Unemployment Insurance Commission on September 26, 1955 and Approved by Order in Council P.C. 1955-1491, September 29, 1955, as amended to January 1, 1956.

**OFFICE CONSOLIDATION**

*Issued by*

**THE UNEMPLOYMENT INSURANCE COMMISSION**

**Ottawa, 1955**

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EDMOND CLOUTIER, C.M.G., O.A., D.S.P.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1955









CANADA

**UNEMPLOYMENT INSURANCE ACT**

**Unemployment Insurance Regulations**

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Insurance Commission on September 26,  
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## Unemployment Insurance Act—Unemployment Insurance Regulations

P.C. 1955 1491

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of September, 1955.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the Unemployment Insurance Act, chapter 50 of the Statutes of 1955, is pleased to approve the annexed "Unemployment Insurance Regulations" made by the Unemployment Insurance Commission on September 26, 1955, and the said Regulations are hereby approved, effective October 2, 1955, with the exception of sections 58, 59, 60 and 63 thereof which shall come into effect on January 1, 1956, accordingly.

His Excellency in Council, on the same recommendation, is pleased, hereby to revoke the regulations pertaining to certain employments in agriculture and certain employments in horticulture, approved and established by Order in Council P.C. 1955-1332 of 1st September, 1955.

### SCHEDULE OF AMENDMENTS

Date made by U.I.C.	Approved by Order in Council	Date	Date Published in Canada Gazette	Effective Date
Nov. 4, 1955.....	P.C. 1955-1761	Nov. 23, 1955	Dec. 14, 1955	Nov. 23, 1955
Nov. 22, 1955.....	P.C. 1955-1762	Nov. 23, 1955	Dec. 14, 1955	Nov. 23, 1955
Dec. 20, 1955.....	P.C. 1955-1900	Dec. 29, 1955	Jan. 11, 1956	Jan. 1, 1956



## UNEMPLOYMENT INSURANCE REGULATIONS

*Title*

1. These regulations may be cited as the Unemployment Insurance Regulations.

*Interpretation*

2. In these regulations,

- (a) "Act" means the Unemployment Insurance Act;
- (b) "Board" means a Board of Referees constituted under the Act;
- (c) "claimant" means any insured person who applies for, or is in receipt of, benefit under the provisions of the Act and these regulations;
- (d) "Commission" means the Unemployment Insurance Commission, acting as a corporate body or through its authorized officers, as the case may be;
- (e) "contribution" means a weekly contribution;
- (f) "contribution record" means an unemployment insurance book, an unemployment insurance card, an unemployment insurance contribution statement, an unemployment insurance adjustment form or a certificate of unemployment insurance contributions;
- (g) "employee" means a person, whether insurable or not, who is or has been employed by an employer;
- (h) "local office" means an office established by the Commission in any locality, and includes any office designated as such by the Commission and, in relation to an employer, the nearest local office servicing the area of his place of business and, in relation to any other person, the local office nearest to his residence;
- (i) "pay day" means the day on which any wages or earnings become payable to an employee; and
- (j) "pay period" means the period in respect of which wages or earnings are payable to an employee.

**Part I****GENERAL****MISCELLANEOUS PROVISIONS***Inspectors*

3. (1) Every officer of the Commission who is performing the duties of auditor or investigator is authorized by the Commission to act as an inspector for the purposes of the Act and these regulations.

(2) The certificate of appointment of any person authorized to act as inspector shall be on such form as the Commission may determine from time to time.

*Notices by Mail*

4. (1) Any notice, demand or other communication required to be sent by the Act or these regulations may be sent by mail by the Commission or any officer thereof.



(2) Such notice, demand or other communication which has been sent by mail to the last address given by the addressee or to his last known address, shall be presumed, until the contrary is proved, to have been received by the addressee.

#### *Posters*

5. (1) Every employer who has one or more insured persons in his employ shall from time to time post notices, in such form and containing such information as the Commission may require.

(2) Each such notice shall be kept in such conspicuous position and for such period as the Commission may specify.

#### *Employee Registration Card*

6. Any employer who receives from the Commission a registration card for an employee shall forthwith deliver the card to the employee.

#### *Entries of Particulars—Microfilms*

7. (1) Particulars in the Commission's possession of the employer's or the employee's contributions paid in respect of an insured person, and particulars of employment or unemployment furnished to the Commission by a claimant, either orally or in writing, may be compiled, extracted, posted or translated through symbols by the Commission, by periods which may be other than reported to the Commission, on such form and in such manner as the Commission may from time to time determine.

(2) The information so recorded shall be deemed for the purposes of the Act and these regulations to be original entries of particulars of such contributions paid or of particulars of employment or unemployment furnished by such claimant, for the period indicated on such compilation, extract, posting or translation.

(3) A print, whether enlarged or not, of a microfilm of any identifying particulars, or of any insurance contribution record or entry of particulars as provided in subsection (1), shall for the purposes of the Act and these regulations be deemed to be the insurance contribution record or entry of particulars, pertaining to the insured person in respect of whom the record is maintained or the entry made.

### **DETERMINATION OF QUESTIONS BY THE COMMISSION AND THE UMPIRE**

#### *Procedure*

8. The procedure applicable to the determination of any question referred to in sections 30 and 41 of the Act shall be that provided in sections 9 to 22 of these regulations.

#### *Application to the Commission*

9. (1) When any such question arises, any person, including a justice or justices of the peace, judge, magistrate or court, by way of reference under section 112 of the Act, or any officer of the Commission, may apply to the Commission for a decision.

(2) Such application shall be made by filing with the Commission, at Ottawa, an application in writing stating the nature of the question that has arisen and containing particulars satisfactory to the Commission, and shall be in such form as the Commission may from time to time approve or in substantially like form.



10. (1) Any application to the Commission under paragraph (c) of section 30 of the Act shall be made by the claimant at any time within thirty days from the date on which the decision of the insurance officer is communicated to him, or within such further time as the Commission may in any particular case for special reasons allow.

(2) An application to the Commission made by an employer after receipt of a notice of overdue contributions may be made at any time within thirty days from the date he received such notice or within such further time as the Commission may in any particular case for special reasons allow.

#### *Notice of Reference to the Umpire*

11. A reference by the Commission to the Umpire under section 33 of the Act may be made, at any time, by way of notice of reference to the Umpire.

#### *Notice of Appeal to Umpire*

12. An appeal to the Umpire shall be by notice in writing stating the grounds of appeal of the person aggrieved and shall be in such form as the Commission may from time to time approve or in substantially like form.

#### *Copy Sent to Interested Parties*

13. (1) When an application to the Commission, or notice of appeal to the Umpire, has been received or the Commission has decided to refer the question to the Umpire, the Commission shall make available a copy of such application, notice of appeal or notice of reference to every person, other than the applicant, having an immediate interest or appearing to have an immediate interest in the decision of the question, except in the cases specified in section 14.

(2) At the same time the Commission shall fix a date on or before which representations may be filed with the Commission, at Ottawa, for the consideration of the Commission or the Umpire, as the case may be, in making the decision.

14. (1) In any case relating to a question under paragraph (c) of section 30 of the Act, it shall not be necessary for the Commission to make available a copy of the application or of the notice of appeal or reference to the Umpire, to the person alleged to have been the employer of the claimant or the person with whom the claimant had business dealings, unless it is contended that the relationship of the claimant to such person constituted insurable employment and that contributions are payable in his respect.

(2) Where there is a large number of persons having an immediate interest in the decision of the question and it is considered impracticable to make available a copy of the application or of the notice of appeal or reference to the Umpire to each such person, the Commission may inform such persons through other means reasonable in the circumstances.

#### *Filing of Representations and Application for a Hearing*

15. (1) Representations may be filed with the Commission at Ottawa, on or before the date fixed for filing such representations, by persons to whom the Commission has sent a copy of the application, or of the notice of appeal or reference to the Umpire, or by any other person having an immediate interest in the decision of the question.



(2) On or before such date application may be made by the applicant or any other person having an immediate interest in the decision, for a hearing before the Commission or the Umpire, as the case may be.

#### *Submission of Record*

16. After the date fixed by the Commission for filing representations, all material relevant to the question to be decided shall be submitted to the Commission or the Umpire.

#### *Further Investigation*

17. Where such material is not adequate for the determination of the question, the Commission or the Umpire may conduct such further investigation into the matter as is deemed necessary and in such manner as is deemed expedient and the Umpire may for that purpose request the Commission to obtain further particulars in such manner as he may direct.

#### *When a Hearing is to be Granted*

18. (1) Where an application has been made for a hearing by the applicant or other person having an immediate interest in the decision, a hearing shall thereupon be granted.

(2) Where no application for a hearing has been made, the Commission or the Umpire may nevertheless direct that there shall be a hearing.

(3) In no case shall a person be entitled to be paid for travelling or other allowances for the purpose of attending the hearing unless he is required by the Commission or the Umpire to attend the hearing.

#### *Notice of Hearing*

19. In any case where a hearing is to be held, a notice in writing shall be sent by the Registrar of the Umpire or by the Commission, as the case may be, at least seven days prior to the date fixed for the hearing, to the applicant and to all other persons who have filed representations.

#### *Procedure of Hearing*

20. (1) The hearing may be held by the Commission or the Umpire or by a person or persons designated by the Commission or the Umpire for the purpose.

(2) Such person or persons shall submit a detailed report of the hearing for the consideration of the Commission or the Umpire in deciding the question.

(3) The procedure at any hearing shall be determined by the Commission or the Umpire or the person or persons designated to hold a hearing.

#### *Decision*

21. (1) The decision of the Commission or the Umpire shall be in writing and under the seal of the Commission or the Registrar of the Umpire, and the Commission or the Registrar shall send a copy thereof to the applicant and to any person who has an immediate interest in the decision.

(2) The Commission may publish the decision or a digest thereof if and as it deems proper.

*New Facts Discovered*

22. Where in any case new facts are brought to the notice of the Commission or the Umpire, and it appears that the decision should be reconsidered under section 32 of the Act, the provisions of these regulations relating to the determination of questions, with such modifications as the circumstances may require, shall apply as though a new application had been made.

**Part II****NATIONAL EMPLOYMENT SERVICE***Principles of the Service*

23. The Employment Service is free to workers and employers alike, and no officer, clerk or employee of the Commission shall accept any fee or gratuity in relation thereto.

24. The Employment Service is available to all employable workers whether insurable or not, or whether they are claiming benefit or not.

25. The aim of the Employment Service is the organization of the employment market as an integral part of a program for the achievement and maintenance of the highest possible level of employment.

26. The policies of the Employment Service shall be developed and its services operated with the co-operation, where necessary, of other public and private bodies concerned and of representatives of employers and workers.

27. Referrals of workers seeking employment shall be made on the following basis:

- (a) primarily on suitability of skills;
- (b) where there is equality of skills, veterans, in preference, and then on the basis of length of registration for employment; and
- (c) other conditions being equal, on family responsibilities and length of unemployment.

28. Referrals of workers to establishments where an industrial dispute exists shall be made only after the existence of such industrial dispute has been notified to the worker.

*Duties of the Service*

29. The Employment Service shall assist workers to find suitable employment and employers to find suitable workers, by

- (a) registering applicants for employment, interviewing them when necessary, obtaining from them such information as is necessary to effect proper referrals to employment and assisting them to obtain vocational guidance or vocational training or retraining;
- (b) obtaining from employers precise information on vacancies notified; and
- (c) referring applicants and vacancies from one local office to another in cases where applicants cannot be suitably placed or the vacancies suitably filled by the original office.



30. The Employment Service shall perform, in relation to unemployment insurance, such duties as are necessary in the interests of workers and employers.

31. The Employment Service shall facilitate occupational mobility with a view to adjusting the supply of labour to employment opportunities in the various occupations.

32. The Employment Service shall facilitate geographical mobility with a view to assisting the movement of workers to areas with suitable employment opportunities.

33. The Employment Service shall facilitate temporary transfers of workers from one area to another as a means of meeting temporary local maladjustments in the supply of or the demand for workers.

34. The Employment Service shall facilitate any movement of workers from one country to another which may have been approved by the governments concerned.

35. The Employment Service shall collect and analyse, in co-operation where appropriate with other authorities and with management and trade unions, the fullest available information on the situation of the employment market and its probable evolution, both in Canada as a whole and in the different industries, occupations and areas, and make such information available systematically and promptly to the public authorities, the employers' and workers' organizations concerned, and the general public.

36. The Employment Service shall assist, as necessary, other public and private bodies in social and economic planning calculated to ensure a favourable employment situation.

37. The Employment Service shall facilitate, within the various employment offices, specialization by occupations and by industries, including agriculture or any other branch of activity in which such specialization may be useful.

38. The Employment Service shall endeavour to meet adequately the needs of particular categories of applicants for employment, such as disabled persons and juvenile workers.

#### *Notification of Employer's Requirements*

39. Every employer who requires to engage an employee in insurable employment shall, after twenty-four hours have elapsed since the employment became available, forthwith notify the local office of such requirement.

40. No such notification is required from an employer who

- (a) engages an employee pursuant to his seniority rights, or
- (b) seeks the employee within the locality in which the employer's office is situated, where that office
  - (i) is located more than twelve miles from the local office, and
  - (ii) directly controls hirings at the establishment at which the employment is available.

41. Such notification shall include

- (a) the place where, and the occupation for which, the employee is required,
- (b) a description of the duties to be performed,
- (c) the rate of wages and frequency of payment,
- (d) the number of hours to be worked each day and each week,
- (e) the probable duration of the employment,
- (f) sufficient information to describe the working conditions of the employment, and
- (g) any incidental information which the Commission may from time to time require.

### *Reports of Hirings and Separations*

42. A report period for the purposes of sections 43, 44, 46, 47 and 48 shall be the six-month period ending on the last day of February and the six-month period ending on the last day of August, in each year.

43. Every employer who has employed at least one person in insurable employment at any time during a report period shall furnish to the Head Office of the Commission at the time specified in section 47, a report of hirings and separations and other information as required by section 46.

44. No such report is required from an employer for any period

- (a) during which he had
  - (i) one establishment only, and
  - (ii) not more than nine persons employed therein at any one time; or
- (b) in respect of which he was excepted from such requirements by an officer of the Commission, either as a member of a class or group, or individually.

45. (1) For the purposes of sections 43, 44, 46 and 48, casual employees shall not be considered.

(2) "Casual employee" means a person who is employed for a particular job or jobs of a casual nature for a period of six working days or less.

46. The report required from the employer by section 43 shall be furnished on such form as the Commission may from time to time determine and shall give the following information for both male and female employees:

- (a) the number of employees actually in his employ at the beginning of the report period;
- (b) the number of whom he has engaged during each month;
- (c) the number who have separated from his employ during each month;
- (d) the number in his employ at the end of each month, and
- (e) any incidental information which the Commission may from time to time require.

47. (1) The employer shall furnish the report semi-annually not later than the fifteenth day of the month that follows immediately after the end of the report period.

(2) An officer of the Commission may, upon application, grant an extension of time for furnishing a report.



48. The report shall be furnished separately in respect of each establishment in which the employer had one or more insurable employees at any one time during the report period, but the employer may furnish one consolidated report in respect of more than one establishment for any report period during which he had more than one establishment,

- (a) where such establishments
  - (i) are situated in the same city or town, and
  - (ii) relate to the same kind of business, or
- (b) where, upon application, authorization to do so is given by an officer of the Commission.

### Part III

#### COVERAGE

#### MISCELLANEOUS PROVISIONS

##### *Predetermination of Earnings (Wage Ceiling)*

49. (1) When the amount of earnings of an employee is material to his insurability, his employer shall, at the time the payment of the first contribution is due, predetermine for the period of the next ensuing twelve months whether the employee will, by reason of the amount of his earnings, be insured or excepted.

(2) Where the earnings of the employee for the period cannot be estimated with any reasonable degree of certainty, the predetermination shall be made as follows:

- (a) if he was employed in the same employment and at the same rate of remuneration by that employer, his actual earnings in the immediately preceding twelve months with the employer shall be taken as the basis of predetermination; or
- (b) if he was not so employed, the actual earnings in the immediately preceding twelve months of persons employed in the same employment and at the same rate of remuneration by that employer or in similar employment and at the same rate by other employers, shall be taken as such basis.

(3) For the purpose of such predetermination, where the rate of remuneration of an employee is a weekly rate, his actual earnings for such twelve-month period shall be considered to be on the basis of fifty-two times his weekly rate.

(4) Where the employer does not make the payment of contribution at the time it is due, he shall be deemed to have predetermined that the employee is excepted.

(5) Where the employee is dissatisfied with such predetermination he may apply to the Commission within six months of that time, for a decision as to whether the predetermination was reasonable.

(6) The Commission may at any time on its own initiative decide that such predetermination was not reasonable.

*Remuneration Over \$4,800 a Year*

50. Whenever an insured person is in employment at an hourly, daily, piece, mileage or other rate per unit of work accomplished or service rendered, such employment shall be excepted, if

- (a) his remuneration from such employment is less than his remuneration at any other rate from otherwise excepted employment, in the case where he is employed by two or more employers and his total remuneration exceeds \$4800; or
- (b) his remuneration at any other rate from otherwise excepted employment exceeds \$4800 a year.

*Election to Remain Insured and Revocation*

51. (1) An election to remain insured notwithstanding that the amount of remuneration exceeds \$4800 a year, shall be made on a form determined by the Commission from time to time, within six months from the date on which the insured person's remuneration rendered him excepted, or within such further time as may be approved by an officer of the Commission where he is satisfied that there were reasonable grounds for not making the election in due time; and any contributions paid pending the filing of an election within the time allowed shall be deemed to have been duly paid.

(2) Such an election may be revoked in writing at any time but in such event no further election may be made until the insured person has had thirty contributions subsequent to his revocation.

*Officer of Corporation*

52. For the purposes of paragraph (n) of section 27 of the Act "position of an officer of the corporation" shall mean the position of any officer who performs the duties of president, vice-president, secretary, treasurer, secretary-treasurer, chairman of the executive committee, general manager or managing director of the corporation, regardless of the designation given such position or the combination of such duties in such position, and whose remuneration from the corporation is wholly or mainly received for the performance of such duties.

*Mixed Employment*

53. (1) The whole employment of a person who is employed by the same employer partly in insurable employment and partly in other employment shall be

- (a) insurable, if the insurable portion of the employment amounts in the aggregate to one-quarter or more of the total time he works for the employer; or
- (b) excepted, if the insurable portion amounts to less than one-quarter of such total time.

(2) The inclusion of such employment in insurable or excepted employment, as the case may be, shall continue so long as the above conditions apply but in any case for a period of not less than twelve months.

*Employments Insured with Consent of Province*

54. (1) The employment of any person or category of persons who are employed under Her Majesty in right of a province and who are in excepted employment by reason only of such employment, may be included in insurable employment with the consent of the government of that province and the concurrence of the Commission.



(2) Consents and concurrences already given shall, unless revoked at any time in writing, be deemed to be consents and concurrences given under this section.

*Employments Insured With Consent of Foreign Governments*

55. (1) The employment of any person or category of persons who are employed under the government of a country other than Canada and who are in excepted employment by reason only of such employment, may be included in insurable employment with the consent of the government of that country and the concurrence of the Commission.

(2) Consents and concurrences already given shall, unless revoked at any time in writing, be deemed to be consents and concurrences given under this section.

*Employments Insured with Consent of Hospitals and Charitable Institutions*

56. (1) The employment of any person or categories of persons who are employed in a charitable institution or hospital not carried on for purpose of gain and who are in excepted employment by reason only of such employment, may be included in insurable employment with the consent of such charitable institution or hospital and the concurrence of the Commission.

(2) Consents and concurrences already given shall be deemed to be consents and concurrences given under this section.

(3) Any consent and concurrence under this section shall remain in force for at least twelve months and may be revoked in writing by the Commission at any time without notice and by the charitable institution or hospital only at the end of any calendar year upon giving the Commission a month's notice in writing.

EMPLOYMENTS MADE INSURABLE

*Temporary Employees of Charitable Institutions and Hospitals*

57. Every person who is in excepted employment by reason only of being employed in a charitable institution or in a hospital not operated for gain shall with respect thereto be in insurable employment if such employment is on a temporary or casual basis in construction, renovation or repair work. (Section 57 added by P.C. 1955-1762).

*Certain Employments in Agriculture*

58. A person's employment shall be insurable, though otherwise excepted as being in agriculture, if it is in connection with any of the following undertakings:

- (a) breeding or raising poultry,
- (b) chick hatching,
- (c) preparation and marketing of poultry,
- (d) egg grading, or
- (e) breeding or raising race horses, saddle horses or light harness horses,

unless the undertaking is carried on as an incidental part of farming operations. (Section 58 effective January 1, 1956).

*Certain Employments in Horticulture*

59. A person's employment shall be insurable, though otherwise excepted as being in horticulture, if it is in connection with

- (a) landscape gardening, or
- (b) maintenance of parks, gardens or grounds, whether private, public or commercial,

unless he performs such employment as an incidental part of his employer's vegetable, fruit or general farming operations or while he is ordinarily and mainly employed in his employer's nursery or greenhouse. (Section 59 effective January 1, 1956).

*Employment in Forestry*

60. Every person who is in excepted employment by reason only of being employed in forestry shall with respect thereto be in insurable employment unless such employment is inconsiderable within the provisions of sections 75 and 76. (Section 60 effective January 1, 1956).

*Skilled Tradesmen Employed on Farms*

61. Every skilled tradesman who is employed as such by the operator of a farm in excess of six days in a period of thirty consecutive days and who is in excepted employment by reason only of such employment, shall in respect thereto be in insurable employment.

*Weekly-Rated Employees in Printing Trades*

62. (1) Every employee whose rate of remuneration is weekly and whose earnings thereunder exceed in value \$4,800 a year, and who is employed under a contract of service and below the rank of foreman in any of the printing trades, shall in respect thereto be in insurable employment.

(2) For the purposes of this section "printing trades" include any printing operation or process performed by a typographer, photo-engraver, electrotyper, stereotyper, pressman, lithographer, mailer, bookbinder, or by an assistant thereof, in connection with a newspaper, or commercial, specialty or paper products, but does not include operations performed by clerical or office staff.

*Transportation on the Great Lakes*

63. Any employment on vessels used in transportation on the Great Lakes and contiguous waters, which would otherwise be excepted by reason of paragraph (g) of section 27 of the Act, shall be insurable. (Section 63 effective January 1, 1956).

*Certain Members of Certain Police Forces*

64. (1) The employment of any person which is excepted by reason only of being employment as a member of the police force of a municipality may, if such employment commenced after December 31, 1955, be made insurable with the consent of such municipality and the concurrence of the Commission.

(2) The employment of any person as a member of the police force of a province shall be treated as if it were excepted by reason only of being employment under Her Majesty in the right of a province.

(3) Any consent and concurrence under subsection (1) shall remain in force for at least twelve months and may be revoked in writing by the Commission at any time without notice and by the municipality only at the end of any calendar year upon giving the Commission a month's notice in writing.

*Employment Outside of Canada—Ship or Vessel*

65. (1) Every person shall be included in insurable employment who is employed in a ship or vessel outside of Canada or partly outside of Canada, who is not in insurable employment by reason only of such employment and

(a) who is domiciled or has a place of residence in Canada; or



- (b) who is domiciled or has a place of residence in any jurisdiction whose government has entered into an agreement with the Government of Canada to establish reciprocal arrangements in matters relating to unemployment insurance for such employment.
- (2) For the purposes of this section "employment on a ship or vessel" means
  - (a) employment in any ship or vessel of Canadian registry or licence, unless such ship or vessel is regularly employed in voyages between ports outside of Canada, and
    - (i) had been chartered by demise to a person resident outside of Canada; or
    - (ii) the Commission is satisfied that its crew is mainly or wholly domiciled outside of Canada; and
  - (b) employment in any ship or vessel other than a ship or vessel of Canadian registry or licence
    - (i) which has been chartered by demise to a person resident in Canada and which is regularly employed in voyages from a port in Canada; or
    - (ii) which as to its management and use is principally controlled in Canada, and the owner or managing owner of which either resides or has a place of business in Canada, and which is regularly employed in voyages from a port in Canada; or
    - (iii) in which employment is subject, in matters relating to unemployment insurance, to the provisions of the Act, by virtue of an agreement entered into between the Government of Canada and the government of the jurisdiction in which such ship or vessel is registered.

#### *Other Employment Outside of Canada*

66. (1) Every person, other than a person employed in a ship or vessel, as defined in section 65

- (a) who was an insured person immediately before leaving Canada;
- (b) who is employed outside of Canada or partly outside of Canada by an employer resident or having a place of business in Canada, in any employment outside of Canada or partly outside of Canada for the purpose of the execution of some particular work; and
- (c) who is not excepted by virtue of an agreement entered into between the Government of Canada and the government of the jurisdiction in which he is employed,

shall be in insurable employment in respect of his employment outside of Canada, unless otherwise excepted, for the first eight months of such employment, if his services outside of Canada continue or are expected by his employer to continue for a period not exceeding eight months.

(2) for the purposes of this section the period of eight months may be extended in any case or group or class of cases as the Commission may decide.

## EMPLOYMENTS MADE EXCEPTED

*Duplication of Coverage Between Two Countries*

67. Every person employed in insurable employment shall be in excepted employment, where

- (a) his services are performed in Canada, outside of Canada or partly in Canada and partly outside of Canada, and contributions are payable in respect of him under
  - (i) the unemployment insurance law of any State of the United States of America, the territories of Alaska and Hawaii or the District of Columbia, by reason of the Agreement between Canada and the United States of America respecting unemployment insurance recited in the Schedule to these regulations; or
  - (ii) the Railroad Unemployment Insurance Act of the United States of America; or
- (b) his place of residence is in Canada and contributions are payable in respect of him under the unemployment insurance law of a foreign country with respect to all his earnings received for services performed outside of Canada, but in such event contributions shall be payable in respect of earnings for services performed in Canada; or
- (c) his place of residence is outside of Canada and contributions are payable in respect of him under the unemployment insurance law of a foreign country with respect to all his earnings received for service performed in Canada.

*Certain Employments by the Government of Canada*

68. Every person who is employed in insurable employment under Her Majesty in right of Canada in any of the following employments, shall in respect thereto be included in excepted employment:

- (a) Employment of any person
  - (i) as a vetcraft employee (poppy worker);
  - (ii) as part-time assistant migratory bird warden or sanctuary caretaker;
  - (iii) on a temporary basis in connection with the census of Canada as enumerator, interpreter, guide, field supervisor or census commissioner;
  - (iv) as a postmaster in revenue post offices grades 1 to 30 inclusive;
  - (v) for not more than two hours a day; or
  - (vi) for not more than one day a week;
- (b) Employment of any person whose livelihood is not ordinarily derived from insurable employment and who is employed
  - (i) in seasonal or temporary employment, if it is known that the employment will be for a period not exceeding twenty weeks in the twelve-month period ending March 31 in any year;
  - (ii) in field parties;
  - (iii) as a fur inspector;
  - (iv) in fish hatcheries, oyster culture, building fishways or clearing rivers, or as fishery guardian, fishery patrolman or on protection boats; or
  - (v) by the International Halibut Commission or the International Pacific Salmon Fisheries Commission;



- (c) Temporary employment under the Department of National Defence in a mess, canteen or other institute of the Canadian Forces maintained by non-public funds, of any member of the Forces or the wife or dependent children of a member of the Forces.

#### *Municipal Relief Employment*

69. (1) Every person shall be included in excepted employment, who is employed in insurable employment under a municipal authority in any of the following employments:

- (a) employment where the remuneration is solely by credit on relief or taxes;
  - (b) employment where the work performed for the municipal authority is done as a condition precedent to the grant of cash or voucher relief; or
  - (c) employment where the services performed for the municipal authority are pursuant to a duty imposed by the law of the province.
- (2) This section does not apply
- (a) where the person is employed on public works or undertakings arranged for the purpose of removing persons from the relief rolls; and
  - (b) the rates of remuneration and conditions of employment on such public works or undertakings are similar to the rates of remuneration and conditions of employment on regular employment by such municipal authority.

#### *Permanent Employments*

70. (1) Any person, other than a person employed in connection with a public utility or a person who was not in excepted employment by reason of this section prior to being employed by a designated Crown agency, who is employed in insurable employment under Her Majesty in right of Canada or a province or under any municipal or public authority, shall in respect thereto be included in excepted employment, upon certification satisfactory to the Commission that such person is employed in a permanent employment, that is to say, has been employed for at least two consecutive years in a position or positions requiring full time service for not less than eight months in each year and is expected to continue in such service for an indeterminate period.

- (2) For the purpose of this section
- (a) any person who before the coming into force of this section has been certified to the satisfaction of the Commission as having been employed in any employment specified as permanent by the Special Order of the Commission then in force, shall be deemed to be employed in a permanent employment under this section;
- (b) any employment occurring prior to the coming into force of this section may be taken into account;
- (c) "designated Crown agency" means
  - (i) the Canadian Broadcasting Corporation;
  - (ii) the Canadian Commercial Corporation;
  - (iii) the Canadian Overseas Telecommunication Corporation;
  - (iv) the Canadian Wheat Board;

- (v) Crown Assets Disposal Corporation; and
  - (vi) any company, all the issued shares of capital stock of which are owned by or held in trust for Her Majesty in right of Canada, except shares necessary to qualify other persons as directors;
- (d) "employment in connection with a public utility" includes the employment of all employees whose employment is considered by the Commission to be reasonably necessary or incidental to the operation thereof; and "public utility" includes any gas, electric, heat, light, or power works, telephone line, transportation system, and works for the transmission of gas or electrical power or energy and such other works, lines or systems as may be declared by the Commission to be public utilities for the purposes of this paragraph.

#### *Insurance Agents*

71 (1) Every person who is employed in insurable employment as an insurance agent shall be included in excepted employment in respect of his employment as such agent.

(2) For the purposes of this section "insurance agent" includes a person who, for compensation, solicits contracts of insurance on behalf of any insurer or transmits, for a person other than himself, an application for or a contract of insurance to or from such insurer, or offers or acts or assumes to act in the negotiation of such contracts, but does not include any officer or salaried employee of an insurer.

#### *Securities Salesmen*

72. (1) Every person who is employed in insurable employment as a securities salesman shall be included in excepted employment in respect of his employment as such salesman.

(2) For the purposes of this section, "securities salesman" includes a person who is engaged or employed in the sale or purchase, or in the execution of orders for the sale or purchase, of bonds, shares or stocks solely and exclusively upon a commission basis, but does not include any officer or salaried employee of an investment dealer, broker or agent.

#### *Real Estate Agents*

73. (1) Every person who is employed in insurable employment as a real estate agent shall be included in excepted employment in respect of his employment as such agent.

(2) For the purposes of this section, "real estate agent" includes a person who is engaged or employed in the sale or purchase of real estate solely and exclusively upon a commission basis, but does not include any officer or salaried employee of a real estate broker or agent.

#### *Truckers*

74. (1) Every person who is employed in insurable employment as a trucker shall be included in excepted employment in respect of his employment as a trucker.

(2) For the purposes of this section, "trucker" means a person who, for remuneration, contracts for the conveyance of things by means of a motor-driven vehicle and who is the owner of such vehicle either absolutely, partly or conditionally.



*Inconsiderable Employment—Written Declaration Required*

75. (1) Any person who, at the time of hiring, lodges with his employer a declaration in writing that his livelihood is not ordinarily derived from insurable employment, shall be included in excepted employment in respect of the following employments:

- (a) employment at a fixed annual rate of remuneration not exceeding \$600;
- (b) part-time employment not exceeding twenty-four hours a week;
- (c) temporary employment during the period from December 1st to December 31st, both dates inclusive, in any year;
- (d) employment for a period not exceeding thirty consecutive days
  - (i) in seasonal cleaning of premises;
  - (ii) in connection with circuses, carnivals, exhibitions, fairs or race meetings;
  - (iii) as a substitute, during the absence of a regular employee;
- (e) employment either for not more than twenty weeks in any calendar year or for not more than ten days in any period of thirty days
  - (i) in fruit packing or in connection with a factory for canning or processing food products;
  - (ii) in connection with any census enumeration;
  - (iii) by a rural, municipal or local authority;
  - (iv) by a rural irrigation district or water users' community;
  - (v) in a rural area, by a telephone, electric power or oil or gas pipeline company or system;
  - (vi) in a seasonal occupation, as defined by section 164, in transportation by water upon inland waters and in stevedoring including deep-sea ports;
  - (vii) in a seasonal occupation in any industry that is seasonal and that does not ordinarily extend over more than twenty weeks in a year;
  - (viii) in seasonal or temporary employment in forestry or in the insurable parts of agriculture and horticulture;
  - (ix) in any occupation carried out in the lumbering and logging industry including cooks and clerical and other workers directly employed at the scene of the woods operations.

(2) For the purposes of this section "lumbering and logging" means the cutting, skidding, felling, hauling, scaling, banking, driving, running, rafting or booming and processing at the scene of woods operations of any logs or timber, including cord wood, cedar posts, telegraph poles, railroad ties, tan bark, pulpwood, shingle bolts and staves.

*Inconsiderable Employment—No Written Declaration*

76. Any person employed in any of the following employments shall be in excepted employment in respect thereto:

- (a) part-time employment for not more than twenty-four hours a week of a person who is a full-time enrolled student of a day school, college or university;

- (b) employment of any person qualified for the receipt of an allowance under section 4 of the War Veterans Allowance Act, the earnings from which employment are exempt as income for the purpose of entitlement to such allowance, unless the Commission in any particular case or class of cases directs that the provisions of this paragraph shall not apply;
- (c) employment of any person as a compiler of voters' lists, enumerator, poll clerk, returning officer or deputy returning officer, in connection with federal, provincial or municipal elections;
- (d) employment of any person as a janitor, caretaker or cleaner, where
  - (i) the value of the remuneration does not exceed a daily average of two dollars; or
  - (ii) the employment does not exceed four hours a day and is carried on outside the ordinary business hours of the employer;
- (e) employment of any person as a radio or television artist, in respect of any pay period of which the broadcasting or televising time does not exceed, in the aggregate, two hours if the pay period is weekly, five hours if it is semi-monthly, and ten hours if it is monthly, and if it is other than the foregoing, a number of hours to be determined from time to time by the Commission;
- (f) casual employment of any person for not more than three days in connection with travelling circuses, carnivals, exhibitions, fairs or race meetings;
- (g) casual employment as a forest firefighter for periods not exceeding ten days in any period of thirty days;
- (h) employment in the Far North above the 55th parallel of latitude of any person whose livelihood is not ordinarily derived from insurable employment;
- (i) employment of any person whose livelihood is not ordinarily derived from insurable employment and who is employed for not more than ten days in any period of thirty days,
  - (i) in connection with sleet, snow or ice removal;
  - (ii) at a grain elevator;
  - (iii) by a surveyor; or
  - (iv) as a stevedore at ports in Newfoundland or in the Maritime Provinces, including the Magdalen Islands, other than at the following ports:
    - (a) Saint John and Dalhousie, in the Province of New Brunswick;
    - (b) Halifax and Sydney, in the Province of Nova Scotia; and
    - (c) St. John's, Botwood, Port Aux Basques and Corner Brook, in the Province of Newfoundland



## Part IV

### CONTRIBUTIONS

#### GENERAL EMPLOYER REQUIREMENTS

##### *Employer's Registration*

77. Within three days after an insured person commences to render services for an employer, the employer shall apply to the Commission for a registration number and a licence to purchase stamps, unless excepted by the Commission.

##### *More Than One Employer in a Week*

78. (1) Where an insured person is employed by more than one employer in a week, each employer, unless an agreement is made under this section, shall pay contributions in respect of the insured person on the basis of the remuneration payable to him by each of them respectively.

(2) Where an insured person is ordinarily employed each week by two or more employers, the employers of such person may make an agreement as to which employer shall pay the required contributions on the basis of the total remuneration payable to that person by all the employers; a copy of the agreement shall be given to each employer and to the local office.

(3) Where such an agreement has been entered into, an employer who pays the contributions may deduct the contributions payable on behalf of the insured person from the remuneration payable by him to that person and he may, if so provided in the agreement, be reimbursed on a pro-rata basis by the other employer or employers.

##### *Records Required to be Kept by Employers*

79. (1) Every employer shall, at his place of business or other place designated by him to the Commission, keep and have available for inspection by an inspector of the Commission, for a period of three years from each of their respective entries, records, in respect of all his employees, adequate for the purpose of enabling the inspector to determine whether contributions were payable in respect of such period and whether they were paid at the times required and, without limiting the generality of the foregoing, such records shall contain at least the following particulars:

- (a) the name and address of each employee;
- (b) each insurable employee's insurance number;
- (c) the actual weeks on which work is done by each employee or for which remuneration is payable, and the number of such weeks by pay periods;
- (d) the gross remuneration payable to each employee for each pay period and the pay-day for each employee;
- (e) all deductions, for the purpose of unemployment insurance contributions, from the gross remuneration payable to each insurable employee;
- (f) the insurance number and name of any insured person for whom contributions are not being made by the employer by reason that contributions are being made in respect of him by another employer under an agreement as provided in section 78, and a notation of the name and address of such other employer; and

- (g) a notation of the fact that contributions are not being made because the employee is in excepted employment by reason that he has remuneration from other employers and his total remuneration exceeds \$4,800 a year; and a notation of the name and address of such other employers.

(2) Such employer shall, during the said period, so keep and have available for inspection the following documents:

- (a) a duplicate of each form of requisition for unemployment insurance stamps or unemployment insurance stamp meter impressions completed by the employer or his authorized representative and presented to an authorized postmaster;
- (b) the receipts obtained under section 124 upon the delivery of any contribution record to an insured person or a local office;
- (c) a duplicate of each form of inventory of unemployment insurance stamps, made by an inspector of the Commission and signed by him and the employer or his representative, showing as of the date thereof the amount of unemployment insurance stamps lawfully in the possession of the employer and of unemployment insurance stamp meter impressions to his credit;
- (d) in the case of an employer paying contributions by the bulk payment method, except an employer paying contributions under section 137, or in respect of contributions paid under section 104, a copy of each certificate of contributions delivered to the insured person on separation from employment;
- (e) each written declaration lodged under section 75; and
- (f) a copy of any agreement under section 78, reached between the employer and other employers, whereby only one employer pays contributions on the basis of the total remuneration payable to the insured person by all the employers.

(3) Such employer shall maintain such records and documents during the said period in such a manner that the inspector may determine the contributions payable by that employer without having to resort to the computation of contributions on the basis of three per cent of the total remuneration as provided in section 130.

#### *Obtaining Contribution Records*

80. (1) As soon as an insured person begins to render services for an employer, the employer shall forthwith take possession of that person's contribution records as defined in section 2 (f), if he has any, or ascertain his insurance number, if he has any.

(2) That person shall forthwith, upon being taken into insurable employment, deliver his contribution records or give his insurance number, as the case may be, to the employer.

3 If for any reason the employer has not taken possession of the insured person's contributions records, he shall, whether or not he has ascertained that person's insurance number, apply to the local office for an insurance book for that person; where the employer is making contributions by means of the bulk payment method, he shall apply to the local office for an insurance number for that person where for any reason he did not ascertain it.



(4) Such application shall be made by the employer in such form as may be approved by the Commission, within three days after the insured person begins to render services; where that person separates from employment during that period, the employer shall make the application not later than the last day that person performs services.

81. (1) Every employer paying contributions by means of stamps or meter device shall, at all times an insured person is employed by him in insurable employment, have in his possession a current insurance book for that person.

(2) Every employer paying contributions by means of the bulk payment method, shall

- (a) obtain from the Commission or have approved by it, contribution statement forms and forms of certificate of contributions paid; and
- (b) prior to separation from employment of an insured person for whom he has no insurance book, apply to the local office for an insurance book and deliver it to him at the time of separation.

82. Any employer may, where authorized by the Commission, obtain insurance cards for the purpose of paying contributions under the conditions set forth in these regulations.

83. Any employer may, where authorized by the Commission, obtain adjustment forms for the payment of certain contributions subject to the conditions set forth in these regulations.

## DETERMINATION OF CONTRIBUTIONS PAYABLE

### *General*

84. Contributions payable under the Act and these regulations are determined on the basis of earnings according to the table in the Act and the provisions of these regulations.

### *Earnings*

85. (1) The earnings which are taken into account for the purpose of determining contributions payable are the total amount of an insured person's remuneration whether pecuniary, non-pecuniary or partly pecuniary, after deducting therefrom the expenses incurred by the employee for the direct purpose of earning such remuneration and the value of any consideration supplied by the employee.

(2) Where an employee is absent on account of illness, injury or quarantine and receives from his employer his ordinary wages or an amount equivalent thereto, such amount shall be treated as earnings.

(3) Where the value of the expenses or the consideration has not been fixed by agreement between the employer and the insured person at a reasonable amount, the Commission may determine the value of such expenses or consideration.

### *Room and Board*

86. (1) Where an insured person's remuneration is not pecuniary or is only partly pecuniary and the whole or part of such non-pecuniary remuneration consists in his being furnished with room and board or room or board, the value of such room and board or room or board shall be included in determining the person's earnings for contribution purposes.

(2) Such valuation shall be fixed by agreement between the employer and the insured person at a reasonable rate having regard to all the circumstances. It may be based on the valuation which is acceptable for workmen's compensation or income tax purposes, but where the insured person does not agree with the valuation made by the employer or where, in the opinion of an inspector of the Commission, such valuation has not been fixed at a reasonable rate, such valuation shall be determined by the Commission. (Subsection 2 amended by P.C. 1955-1900).

### *Living Quarters*

87. (1) Where an insured person's remuneration is not pecuniary or is only partly pecuniary and the whole or part of such non-pecuniary remuneration consists in his being furnished with living quarters, the rental value of such living quarters shall be included in determining the person's earnings for contribution purposes.

(2) Where light, heat, telephone or other considerations are supplied by the employer with such living quarters as part of such remuneration, their value shall be included in computing the rental value of such living quarters.

(3) Where the value of such living quarters is not fixed by agreement between the employer and the insured person, it shall be computed on the rental value of similar living quarters in the vicinity or district, or if there are no such similar living quarters in the vicinity or district, or if in the opinion of the Commission the value has not been fixed at a reasonable amount, then the value shall be determined by the Commission.

### *Other Consideration*

88. (1) Where an insured person's remuneration is not pecuniary or is only partly pecuniary and the whole or part of such non-pecuniary remuneration consists in his being furnished with any consideration other than room and board or room or board or living quarters, the value of such consideration shall be included in determining the person's earnings for contribution purposes.

(2) Where the value of such consideration is not fixed by agreement between the employer and the insured person or if in the opinion of the Commission it has not been fixed at a reasonable amount, it shall be determined by the Commission, having regard to all of the circumstances.

### *Vocational Training*

89. Where any employee is given vocational training on the job and receives an allowance under a government training plan or from the Department of Veterans Affairs through his employer in addition to his wages, the earnings of such employee shall be deemed to be the aggregate of his wages and such allowance.

### *Piece Work*

90. (1) Where an insured person is paid by the piece or on some similar basis, his weekly earnings for any period of four weeks may be determined by his average weekly earnings in the previous four weeks.



(2) If he was not engaged on the same work during the previous four weeks, his weekly earnings shall be deemed to be equal to those payable to other persons doing similar work during the previous four weeks.

### *Commission or Share of Profits*

91. (1) Where an insured person is paid wholly or partly by commission or by a share of profits but not on the basis of a drawing account and his earnings vary considerably from one pay period to another, his earnings for each of any four consecutive pay periods, during which he actually receives any earnings may, for contribution purposes, be determined by the pay period average of the earnings which he actually received in the immediately preceding four consecutive pay periods during which he was employed by the same employer for the same work and on the same basis.

(2) One such determination only may be made in respect of any insured person in any four consecutive pay periods.

### *Drawing Accounts*

92. (1) Where an insured person's remuneration is payable by sums debited to a drawing account, such person's earnings shall be deemed to be the sums so debited.

(2) Where such sums are debited at intervals of more than a month, the earnings for a month shall be his average monthly debits for the period of three months immediately preceding the date on which contributions are payable.

(3) For the purposes of allocation of earnings and contributions payable, where the pay period of such person is in excess of a month, it shall be deemed to be monthly.

### *Separation*

93. Upon separation, if the insured person's remuneration for the current pay period cannot be ascertained with accuracy, his earnings for such period shall, for the purpose of contributions only, be reasonably estimated by the employer.

### ALLOCATION OF EARNINGS AND CONTRIBUTIONS PAYABLE

94. (1) Sections 95 to 99 contain the rules for the purpose of the payment and determination of the number of contributions payable and for the allocation to calendar weeks of earnings and contributions payable in respect of pay periods.

(2) For the purposes of sections 95 to 99,

- (a) "calendar week" means a week as defined in section 2(m) of the Act;
- (b) "pay week" means a period of seven consecutive days that ends, or any one of two or more contiguous such periods the last of which ends, on the employer's payroll ending date; and
- (c) a period for which remuneration is payable shall be deemed a period in which work is done.

*Where Pay Period is a Pay Week*

95. Where the pay period is a pay week, the earnings of that pay week shall be allocated to, and the contributions shall be payable in respect of, the calendar week in which the ending date of the pay week falls or in which separation from employment occurs.

*Where the Pay Period is a Multiple of a Pay Week*

96. Where the pay period is a multiple of a pay week, the earnings during the pay period shall be allocated and the contributions payable in respect of the pay period shall be recorded as follows:

- (a) where work is done in each pay week, firstly to the calendar week in which the pay period ends or separation occurs, and then to the immediately preceding calendar weeks; and
- (b) where work is not done in each pay week, firstly to the calendar week in which the pay period ends or separation occurs, and then to the immediately preceding calendar weeks, the number of contributions payable being equal to the number of pay weeks in which work was done.

*Where Pay Period is Semi-Monthly or Monthly*

97. (1) Where the pay period is semi-monthly or monthly and the insured person works in each calendar week that falls completely within the pay period and, in the case of a calendar week not falling completely within the pay period, works in that portion thereof that falls within the pay period, the earnings and contributions payable shall be dealt with as follows:

- (a) the earnings for the pay period shall be taken as the basis for determining the rate of contributions payable according to the table hereunder, the rates for a semi-monthly pay period being the amount shown in the table and the rates for a monthly pay period being such amounts doubled, and the contributions payable shall be recorded in respect of the pay period.

<i>Range of Earnings</i>	<i>Semi-Monthly Rates</i>
Less than \$19.50.....	\$ .18
\$19.50 and under \$ 32.50.....	.35
32.50 " " 45.50.....	.52
45.50 " " 58.50.....	.65
58.50 " " 71.50.....	.78
71.50 " " 84.50.....	.91
84.50 " " 97.50.....	1.04
97.50 " " 110.50.....	1.13
110.50 " " 123.50.....	1.21
123.50 and over.....	1.30

- (b) where semi-monthly stamps or meter impressions are not or cannot be used, the earnings for the pay period shall be allocated equally among the calendar weeks ending in the pay period and the calendar week in which separation occurs, if it is not ending in the pay period, and the contributions shall be recorded in respect of these calendar weeks.



(2) Where the insured person does not work in each calendar week that falls completely within the pay period or, in the case of a calendar week not falling completely within the pay period, in each portion thereof that is within the pay period, the earnings in the pay period shall be allocated equally among such calendar weeks or portion thereof, in which work was done, but not exceeding four, and an equal number of contributions shall be recorded, first for the calendar week in which the pay period ends or in which separation occurs and then for the immediately preceding calendar weeks.

### *Approval of Substitute Rules*

98. In any case or class of cases not coming within the provisions of section 95 to section 97 or where it is the opinion of the Commission, or it is contended by an employer that it is not possible to apply such provisions, the Commission may, on its own initiative or on the request of the employer, approve another method or methods for allocation of earnings and contributions payable and the determination of contributions payable; any such other method shall have effect for that employer or for all employers, as the case may be, as if it were specifically prescribed by these regulations and the Commission may at any time rescind such approval.

### *Overlapping Work*

99. (1) Where the period for which an insured person works begins in one pay period, and extends into another pay period, he shall in respect of the period of work be treated as having worked in only one such pay period as may be determined by the employer.

(2) Where the overlapping occurs from one week to the next, the same rule shall apply.

## PAYMENT OF CONTRIBUTIONS

### *Methods of Payment*

100. Except in respect of

- (a) employment in stevedoring at designated ports;
- (b) contributions which are not paid at the times required;
- (c) contributions computed at three per cent of the total remuneration; and

(d) contributions owing as determined under section 96(5) of the Act, every employer shall pay contributions by any one of the following methods:

- (i) by affixing an unemployment insurance stamp or stamps of the requisite denomination in the insured person's insurance book, or on his insurance card or an adjustment form where so authorized by the Commission;
- (ii) by means of a metering device, where authorized by the Post Office Department, impressing a stamp or stamps of the requisite denomination in the insured person's insurance book, or on his insurance card or an adjustment form where so authorized by the Commission;
- (iii) by the bulk payment method, where so authorized by the Commission; or

- (iv) by remittance in cash, a certified cheque, money order, bank order or draft made payable to the Receiver General of Canada, the details of such remittance being indicated on an adjustment form.

### *Stamps*

101. (1) Unemployment insurance stamps to be used in payment of contributions shall be made in accordance with a design approved by the Commission and in such denominations as the Commission may from time to time fix, and such design shall not be used except for the purposes approved by the Commission.

(2) No person shall keep for sale, offer for sale, purchase for sale or sell any unused unemployment insurance stamps, other than a postmaster authorized by the Post Office Department, or a person authorized in writing by the Commission, at such place and subject to such conditions as may be determined by the Commission.

(3) Unused unemployment insurance stamps shall be obtained only by an employer or his authorized representative from a person authorized to sell such stamps, upon production of the employer's licence (unless he is excepted from the requirement of obtaining a licence under section 77), and upon a completion of a form of requisition for unemployment insurance stamps approved from time to time by the Commission.

(4) No employer shall use unemployment insurance stamps to pay contributions in respect of any insured person other than his own employees, except by authority of the Commission.

(5) No person other than an employer or his authorized representative shall have in his possession unused unemployment insurance stamps.

(6) No person shall have in his possession any used unemployment insurance stamps except while they are lawfully affixed to insurance contribution records and such records are in his possession in accordance with these regulations.

### *Metering Devices*

102. (1) No employer shall use a metering device for the payment of contributions, unless he has been authorized by the Post Office Department acting for the Commission to use such device and such authorization has not been revoked.

(2) The design on the impression die in all metering devices used for the payment of contributions shall be a design approved by the Commission.

(3) Such design shall not be used by any person for any other purpose without the written authorization of the Commission.

(4) Every metering device used for the payment of contributions shall be used in such manner and subject to such conditions as the Post Office Department or the Commission may from time to time determine, and any officer of the Commission or the Post Office Department shall be permitted to inspect such metering device and the impression die used in connection therewith at any reasonable time.

(5) An employer who is authorized to pay contributions by means of a metering device shall not use such metering device to pay contributions in respect of any insured persons other than his own employees, except by authority of the Commission.



(6) No employer shall use a metering device for the payment of contributions until he has paid to the Post Office Department the amount at which the metering device is to be set, nor shall he use a metering device for the payment of contributions exceeding in the aggregate the amount at which the device has been set.

(7) Any impression die used in a metering device for payment of contributions shall be delivered to any authorized officer of the Post Office Department or of the Commission on demand made after revocation of the authority granted for use of such metering device or at any time if no such authority has been granted.

(8) Every employer using a metering device shall notify the Post Office Department as soon as any defect occurs in the operation of the metering device and shall, upon request, deliver such metering device to the Post Office Department in the same condition as when the defect was first noticed, with full details in writing of any insurance books or cards or adjustment forms in which stamps have been imperfectly or incorrectly impressed.

(9) No repair or alteration shall be made to any metering device except by persons authorized by the Post Office Department or the Commission, nor shall any person except such authorized persons unlock or break any lock or seal placed on a metering device.

### *Bulk Payment*

103. (1) An employer may submit to the Commission a proposal for payment at stated periods of aggregate contributions by the bulk payment method.

(2) Such proposal shall provide for

(a) maintenance of contribution statements in a form approved by the Commission, showing in respect of each insured person, as the Commission may from time to time direct,

(i) his name and insurance number;

(ii) the number of pay weeks or calendar weeks he worked by pay period; and

(iii) the amount of employee contributions by such pay periods;

(b) furnishing the Commission, at the end of such period as the Commission may determine, with a certified contribution statement for that period for each insured person who has been in his employ during that period;

(c) placing in the insurance book of an insured person on separation from employment a certificate of contributions paid by him or on his behalf during the year; and

(d) generally furnishing any other information that the Commission may from time to time require.

(3) The Commission may require as a condition precedent to approval of any such proposal,

(a) an undertaking satisfactory to the Commission that the employer will carry out the terms of the proposal;

- (b) a deposit in a sum equal to the estimated amount of contribution payable by the employer during a period to be fixed by the Commission, which deposit shall be deemed to be a prepayment of contributions and may be applied by the Commission at any time in payment of contributions payable; and
  - (c) such other provisions in the proposal as the Commission may from time to time determine.
- (4) Every employer whose proposal is approved by the Commission shall pay contributions by bulk payment in respect of the insured persons in his employ as indicated in the Commission's approval.
- (5) The Commission may rescind its approval at any time.

#### *Remittances Through Adjustment Form*

104. Where the Commission has authorized an employer to pay certain contributions by a remittance detailed on an adjustment form, the employer shall indicate on the form the name of the insured person in respect of whom payment is made, his insurance number or his date of birth if his insurance number is not known, and the amount of payment.

#### RECORDING CONTRIBUTIONS

105. No contribution shall be recorded for any period prior to the date on which the employment commences or prior to the period in respect of which the remuneration is payable, as the case may be, or after the calendar week in which separation from employment occurs.

#### *Two Contributions Required for One Calendar Week*

106. Where the provisions of the Act or these regulations require in any case the payment of two or more contributions for one calendar week, the second contribution shall be recorded in the second weekly space in the insurance book or card; the third contribution, in the third weekly space; and if there are more than three separate employers in any calendar week, the other contributions shall be recorded in another insurance book or card.

#### *Stamps*

107. (1) Contributions paid by means of unemployment insurance stamps shall be recorded by affixing them in the appropriate weekly space indicated in the insured person's insurance book, card or adjustment form, for the period in respect of which payment is being made.

(2) Contributions paid by means of a metering device shall be recorded by impressing unemployment insurance stamps in the appropriate weekly space indicated in the insured person's insurance book, card or adjustment form, for the period for which payment is being made.

#### *Bulk*

108. Contributions paid by means of the bulk payment method shall within three days of each pay day or other period approved by the Commission, be recorded by the employer in respect of each insured person on a contribution statement form.

#### *Cancelling Stamps*

109. (1) An employer shall upon affixing any unemployment insurance stamp in a contribution record, cancel such stamp by writing in ink or stamping across its face his registration number, or if he has no registration number, his name and his trade name, if any.



(2) Any person may by writing or otherwise make an identification mark on an unemployment insurance stamp before it is used, if in the opinion of the Commission such identification mark does not destroy the legibility of the stamp.

(3) No person shall otherwise deface any unemployment insurance stamp, either used or not, or remove any such stamp from any contribution record.

#### TIME FOR PAYMENT OF CONTRIBUTIONS

##### *During Employment*

110. During the employment of an insured person, contributions shall be paid by the employer within three days of each pay day.

##### *Upon Separation*

111. Upon separation of an insured person from employment the contributions payable for the current pay period, and all other contributions then unpaid, shall be paid by the employer immediately.

##### *Bulk Payment*

112. Contributions payable under the bulk payment method shall be paid at intervals of not more than a month and, unless otherwise approved by the Commission, not later than fifteen days after the end of the month in respect of which they are payable.

##### *Fixed Pay Days*

113. For the purpose of section 110, in any case where an insured person is not paid wages or other pecuniary remuneration, the pay day of such person shall be deemed to be the end of each calendar week, unless the Commission in any case or class of cases deems the pay day to be the end of any other period.

114. Where contributions owing have been determined under subsection (5) of section 96 of the Act, such contributions or any balance thereof due after such determination shall be paid forthwith without demand.

#### REFUNDS, EXCHANGES AND WRITE-OFFS OF CONTRIBUTIONS

##### *Refunds of Stamps*

115. (1) Upon receiving an unemployment insurance stamp which has not been used for the payment of contributions, from an employer or from his legal representative, and upon being satisfied that such stamp was lawfully obtained by the employer and is in excess of his requirements, the Commission may pay to the employer or his legal representative out of the Unemployment Insurance Fund the aggregate value of such stamp or issue to him in exchange unemployment insurance stamps of the same aggregate value.

(2) The Commission may refund out of the Unemployment Insurance Fund to any employer who has made payment to the Post Office Department for setting the metering device, the whole or part of the amount thereof which has not been used for the payment of contributions.

(3) The Commission may deduct from such refund or exchange any expenses arising out of such transaction or any amount due to the Fund by the employer.

*Refund of Contributions Paid Erroneously*

116. (1) The Commission may repay employer's contribution, or any part thereof, to the employer by whom it was paid or to his legal representative upon being satisfied that such contribution, or such part thereof, was paid under the erroneous belief that it was payable in respect of the employee for whom it was paid.

(2) The Commission may repay to an employer or his legal representative any contribution, or any part thereof, paid on behalf of one of his employees, upon being satisfied that such contributions, or such part thereof, was paid under the erroneous belief that it was payable in respect of such employee and upon being satisfied that the employer has not recovered such contribution from such employee.

(3) The Commission may repay to any employee or his legal representative, direct or through the employer by whom the contribution has been paid, a contribution which has been paid on his behalf, or any part thereof, upon being satisfied that such contribution, or such part thereof, was paid under the erroneous belief that it was payable by such employer and upon being satisfied that the employer who paid such contribution has recovered the same from him.

117. (1) Application for any refund under section 116 shall be made in a form satisfactory to the Commission within two years from the date on which the contribution was paid.

(2) Where the Commission is satisfied that in any case the contribution was paid on the direction of an officer of the Commission, or under other special circumstances, an application for a refund may be made at any time within four years from such date.

(3) No application for a refund for an amount less than one dollar shall be considered.

(4) Refunds shall be made from the Unemployment Insurance Fund and in the case of contributions made on behalf of an employee shall be decreased by the amount of any benefit received by him.

(5) The Commission may deduct from the value of any refund any expenses arising out of such transactions or any amount due to the Fund by the employer or the employed person respectively.

(6) Where an employer makes an overpayment of contributions an inspector may refund to such employer the amount of the overpayment in cash where the amount does not exceed ten dollars.

*Write-Off of Contributions*

118. Contributions which are due and owing to the Unemployment Insurance Fund by a person who has failed or neglected to pay such contributions may be considered by an authorized officer of the Commission no longer due and owing to the Fund, where

- (a) the contributions are owing at the time of bankruptcy from a discharged bankrupt or a deceased undischarged bankrupt;
- (b) the contributions have not been paid within four years from the date on which they became payable;



- (c) on any settlement of the affairs or estate of a person, other than those described in paragraph (a), the assets are insufficient to satisfy the contributions owing or are only sufficient to satisfy them in part; or
- (d) in accordance with instructions issued by the Commission, the contributions owing are declared to be uncollectable.

## CUSTODY OF CONTRIBUTION RECORDS

### *Safeguarding*

119. Every person shall keep all contribution records in his possession or custody safe and free from defacement or destruction.

120. (1) The insured person, his employer or an officer of the Commission may alter the insured person's surname in case of change by marriage, or such person's address as recorded in his contribution records.

(2) No person shall otherwise deface or destroy any document or thing used in the administration of the Act and these regulations, or alter any of the figures or particulars therein, except an officer of the Commission as directed by the Commission from time to time.

121. Every person shall upon request produce for inspection to any officer of the Commission any contribution records in his possession or custody, and any such officer may in his discretion take possession of and retain any contribution records.

122. (1) If the contribution records of any employed person are destroyed, lost or defaced, the Commission may upon application issue new contribution records and may charge the person responsible for their custody at the time they were destroyed, lost or defaced, the sum of one dollar.

(2) If contribution records are destroyed, lost or defaced, the Commission may credit the insured person with payment of contributions for periods of employment with respect to which contributions on his behalf are to the satisfaction of the Commission shown to have been paid.

(3) Where contribution records have been destroyed, lost or defaced, and the insurance number is not supplied to the Commission, the Commission may decline to trace the record of contributions of the insured person whose contribution records have been destroyed, lost or defaced.

### *Disposition*

123. (1) In cases of separation from employment, the employer shall deliver the insured person's contribution records to that person

(a) where the employer terminates the employment, not later than the last day on which services are actually performed for the employer; or

(b) where the employee terminates the employment, upon his request; unless it is impracticable to so deliver in which case the employer shall deliver the records to the local office within one week after the last day on which services are actually performed for the employer.

(2) Where an insured person dies, the holder of his contribution records shall inscribe legibly thereon the word "deceased", and immediately deliver the records to the local office.

(3) Where an insured person ceases to be insured while still employed by his employer, the employer shall deliver that person's records to the local office within one week after such occurrence.

(4) Where any person who is not in insurable employment is at any time in possession of any contribution records in respect of former employment, he shall deliver them to the local office.

(5) No person shall, at any time, have in his possession more than one insurance book for any year, except in respect of two or more concurrent employments.

(6) Where a person dies or becomes permanently incapacitated while in possession of his contribution records, any relative, legal representative or other person into whose possession the contribution records may come shall forthwith deliver them to the local office.

(7) Every person who obtains possession of contribution records to which he is not entitled shall forthwith deliver them to the local office.

124. Upon any delivery of any contribution records pursuant to these regulations, the employer shall obtain a receipt therefor from the insured person or an office of the Commission, as the case may be.

#### *Yearly Return*

125. (1) At such times as the Commission may require, every person having contribution records in his possession shall deliver all such contribution records to the local office.

(2) If no request is received by that person by May 31, he shall deliver all such records to the local office not later than June 15 in that year.

(3) Such person shall furnish such information as may be required by the Commission for the issuance of contribution records for the succeeding period.

#### *Inspection of Records by Employee*

126. Every employer shall from time to time upon request give each insured person in his employ an opportunity of inspecting his contribution records as long as they are in the custody of the employer, but such person shall be entitled to inspect his contribution records not more than twice in any month and only at such reasonable times, either within or immediately before or after that person's working hours, as may be fixed by his employer for the purpose.

### AUDIT

#### *Documentary Proof Required to be Furnished by Employers*

127. (1) The prescribed proof under subsection (3) of section 96 of the Act of the amount of unemployment insurance stamps lawfully in an employer's possession at the commencement of any period specified by an inspector shall be

(a) where an inventory of unemployment insurance stamps has been made by an inspector

(i) the duplicate of the form of inventory mentioned in paragraph (c) of subsection (2) of section 79, dated immediately prior to the commencement of the period;



- (ii) in default of such duplicate, the original thereof in the possession of the Commission;
- (iii) in default of both the said original and duplicate, other proof satisfactory to the inspector requesting such prescribed proof; and

(b) where no such inventory has been made, such proof shall be that required by subparagraph (iii).

(2) The prescribed proof under subsection (3) of section 96 of the Act of the amount of unemployment insurance stamps lawfully purchased by such employer during the said period shall be

- (a) the duplicate kept by the employer of each form of requisition for unemployment insurance stamps required by paragraph (a) of subsection (2) of section 79 and duly completed, date stamped and receipted by the authorized postmaster or his representative; or
- (b) the original thereof in the possession of the Commission; or
- (c) in default of both the said original and duplicate, other proof satisfactory to the inspector requiring such prescribed proof.

(3) The prescribed proof under subsection (3) of section 96 of the Act of the amount of contributions paid otherwise than by stamps during the said period shall be

- (a) the official receipt of the Commission for the amounts paid to the Commission for the purposes of contributions;
- (b) the stub or receipt for a money order, postal note or bank order or draft, for the amounts paid to the Commission for the purposes of contributions;
- (c) the cancelled cheque payable to the order of the Commission or the Receiver General of Canada for the amounts paid for the purposes of contributions; or
- (d) an adjustment form attached to an insurance book in the employer's possession; and
- (e) in default of the above, other proof satisfactory to the inspector requiring such prescribed proof.

(4) The prescribed proof under subsection (3) of section 96 of the Act of the amount of unemployment insurance stamps lawfully in an employer's possession at the end of any period specified by an inspector, shall be

- (a) the unemployment insurance stamps lawfully in the employer's possession at such time;
- (b) the duplicate of the form of inventory mentioned in paragraph (c) of subsection (2) of section 79 dated at the end of such period; or
- (c) in default of such duplicate, the original thereof in the possession of the Commission; and
- (d) in default of both the original and duplicate, and where no inventory has been made, other proof satisfactory to the inspector requiring such prescribed proof.

#### *Method of Payment Where Contributions Not Paid at Times Required*

128. Where an inspector has found that an employer has not paid contributions within the time set out in sections 110 to 112, any subsequent payment of such contributions shall be made by the employer by forwarding forthwith to the inspector of the district in which such employer has his

establishment, the properly stamped insurance books of the persons to whom such contributions relate or substitute or duplicate books issued to the employer by the inspector for that purpose.

*Payment Where Contributions Owing Are Determined Under Section 96(5) of the Act*

129. (1) Where contributions owing are determined under subsection (5) of section 96 of the Act and are wholly in respect of persons for whom contributions payable have not been determined at three per cent of the remuneration, contributions shall be paid in the following manner:

- (a) where the insurance books for such persons are in the possession of the employer, by affixing or impressing stamps and by forwarding such books so stamped to the inspector of the district in which such employer has his establishment; and
- (b) where such books are not in his possession, by forwarding to the inspector, cash, a certified cheque, a money order, or a bank order or draft, made payable to the Receiver General of Canada.

(2) Where such contributions owing are wholly in respect of persons for whom contributions payable have been determined at three per cent of the remuneration, contributions shall be paid by forwarding to the inspector, cash, a certified cheque, a money order, or a bank order or draft, made payable to the Receiver General of Canada, for such amounts that have not been paid otherwise.

(3) Where such contributions owing are in respect of persons for whom contributions payable have been determined partly at three per cent and partly in accordance with the provisions of the Act and the other sections of these regulations, contributions shall be paid in the following manner:

- (a) where the insurance books for such persons are in the possession of the employer, (except for contributions included in the three per cent computation), by affixing or impressing stamps and by forwarding such books so stamped to the inspector of the district in which such employer has his establishment;
- (b) where such books are not in his possession, or for contributions included in the three per cent computation, by forwarding to the said inspector, cash, a certified cheque, a money order, or a bank order or draft, made payable to the Receiver General of Canada.

*Inadequate Records Computation at Three per cent*

130. (1) Where an inspector is of the opinion that the books, records and accounts of an employer are not adequate for the purpose of enabling the inspector to determine, according to the Act and these regulations, whether any contributions were payable for any period in respect of any or all of the employer's insurable employees, the inspector shall determine the contributions payable, as follows:

- (a) according to the Act and these regulations, in respect of the employees for whom such records are in his opinion adequate;
- (b) on the basis of three per cent of the total remuneration, computed or estimated as in subsection (3), that has been paid or become payable during such period to all employees, whether insurable or not, in respect of the employees for whom such records are in his opinion inadequate.

(2) The inspector may estimate such total remuneration where, in his opinion, the books, records and accounts of the employer are inadequate for the purpose of determining such remuneration.

(3) When the inspector computes or estimates the total remuneration to which the three per cent is to be applied, he shall exclude therefrom any remuneration which he is satisfied has been paid or become payable for such period

- (a) to any of the employees who are not insurable; and
- (b) to any of the insurable employees in respect of whom the records were adequate.

#### *No Contributions Payable Where False Statements*

131. Where an insurance officer or an inspector, authorized by the Commission for this purpose, is of the opinion that a person has made a false statement or a misrepresentation to his employer and that as a result thereof the employer did not pay contributions in his respect for any period, such officer or inspector may declare that for that period contributions were not payable in respect of such person by that employer.

#### *Recovery of Employee Share of Previous Contributions*

132. Where an employer has not paid certain contributions in respect of an insured person, and such contributions are subsequently paid, a designated officer of the Commission, on receipt of an application from that employer, may authorize him in writing to recover the contributions so paid on behalf of that insured person from wages other than for the period in respect of which contributions were payable.

#### *Allocation of Contributions to Particular Employees*

133. Where contributions paid by an employer cannot be allocated to a particular employee they may at a later date be allocated to the particular employee to whom they pertain, upon production of such evidence as the Commission may from time to time determine having regard to all the circumstances.

#### *Interim Payments*

134. (1) Where an application is made to the Commission to determine any question involving liability to pay contributions or the amount or the rate of contributions payable in respect of any person, the largest amount considered by an officer of the Commission to be payable as contributions shall be paid from time to time as required by these regulations until the question has been determined by the Commission or by the Umpire.

(2) Any contribution which then appears to have been erroneously paid may be refunded pursuant to section 116.

#### *Deposits*

135. (1) Upon being so requested by a designated officer of the Commission an employer who has not paid contributions at the times required shall deposit with the Commission a sum not to exceed twice the monthly contributions payable by him.

(2) Such deposit may be applied at any time in payment of contributions payable.



*Pecuniary Penalties*

136. Where in the opinion of an inspector of the Commission, an employer has not complied with the provisions of the Act and these regulations relating to the times of payment of contributions, the inspector may impose a pecuniary penalty on an employer not exceeding ten per cent of the amount of contributions that were not paid at the times required.

## SPECIAL CLASSES

## STEVEDORES

*Divisors*

137. (1) Contributions in respect of any insured person employed in stevedoring in any of the ports designated in the table hereunder are payable for each pay-week for a number of days to be ascertained by dividing the earnings in the pay-week by the divisor or divisors hereunder specified which shall apply respectively where the basic wage rate for stevedoring is the rate shown hereunder.

<i>Port</i>	<i>Hourly Rate</i>	<i>Divisor</i>
Halifax, N.S.....	Less than \$1.70.....	\$ 12
	\$1.70 and over.....	14
Saint John, N.B.....	Less than \$1.10.....	8
	\$1.10 and over.....	11
St. John's, Nfld.....	Less than \$1.10.....	7
	\$1.10 and over.....	9
Montreal, Que.....	Less than \$0.99.....	8
	\$1.00 to \$1.29.....	10
	\$1.30 to \$1.69.....	12
	\$1.70 and over.....	14
Quebec, Que.....	Less than \$1.30.....	9
	\$1.30 to \$1.70.....	10
	More than \$1.70.....	12
Sorel and Three Rivers, Que.....	Less than \$0.85.....	5
	\$0.85 to \$1.10.....	7
	\$1.11 to \$1.30.....	9
	More than \$1.30.....	12
Vancouver, New Westminster and other coast ports for which records are maintained at Vancouver, B.C.....	\$1.15 to \$1.54.....	10
	\$1.55 to \$1.90.....	12
	\$1.91 to \$2.35.....	18
	More than \$2.35.....	22
Victoria, Port Alberni and other ports on Vancouver Island for which records are maintained at Victoria, B.C.....	\$1.15 to \$1.54.....	10
	\$1.55 to \$1.90.....	12
	\$1.91 to \$2.35.....	20
	More than \$2.35.....	22

(2) Contributions in respect of such insured person are not payable by any one employer for more than twelve days in respect of his employment in any one pay-week.

(3) In computing the number of contributions payable, any fraction resulting from such division shall be disregarded, except where wages earned by the insured person in the pay-week are less than the amount of the divisor, in which latter case a contribution shall be payable for one day.

(4) For the purposes of this section, "pay-week" has the meaning assigned thereto in section 94 of these regulations.

(5) Where it is established to the satisfaction of the Commission that a person or class or group of persons is regularly and continuously employed in stevedoring at any such designated port by one employer only, the Commission may direct that the provisions of this section shall not apply to such person, class or group of persons.

### *Daily Rates*

138. For the purposes of section 137 of these regulations, the daily contribution rates equivalent to the rates set out in section 37 of the Act shall be the following rates which shall apply respectively where the divisor is the amount shown hereunder.

<i>No. of Days</i>	<i>Rates of Contributions</i>				
	Divisor \$5.	Divisor \$7.	Divisor \$8.	Divisor \$9.	Divisor \$10. or Over
1.....	.06	.08	.09	.09	.10
2.....	.12	.16	.17	.19	.20
3.....	.18	.24	.26	.28	.30
4.....	.24	.32	.35	.37	.40
5.....	.30	.40	.43	.47	.50
6.....	.36	.48	.52	.56	.60
7.....	.42	.56	.61	.65	.70
8.....	.48	.64	.69	.75	.80
9.....	.54	.72	.78	.84	.90
10.....	.60	.80	.87	.93	1.00
11.....	.66	.88	.95	1.03	1.10
12.....	.72	.96	1.04	1.12	1.20

### *Method of Payment*

139. (1) Any employer who employs persons in stevedoring in any of the ports designated under section 137 shall pay by bulk payment all contributions payable for each pay-week, in respect of the employment of such persons within three days of the end of such pay-week.

(2) At the times of such payment the employer shall furnish the Commission with a list showing

- (a) the employer's name and address;
- (b) the ending date of the pay-week; and
- (c) in respect of each of the said employed persons:
  - (i) his name and identification number as may be specified by the Commission;
  - (ii) the hourly rate, or rates if more than one; and
  - (iii) the number of daily contributions and the total amount of such contributions payable in respect of employment in each pay-week.

### *Recording of Contributions*

140. (1) Contributions paid in respect of a person employed in stevedoring in any of the designated ports under section 137 shall be recorded in the first instance by the Commission on a contribution statement in such manner and at such times as the Commission may determine, for any person who has registered as a stevedore at the local office of the port where the employment took place.

(2) Such contributions paid in respect of any pay-week by an employer shall be recorded successively, one per day, for each of the days, other than Sunday, for which no contribution is required to be recorded in that pay-week and in advance in the two pay-weeks next thereafter.

(3) No contribution shall be recorded in advance under this section in respect of any calendar week falling in the off-season applicable in any designated port under the provisions of section 164.

(4) Any contribution paid in respect of employment in any pay-week, that cannot under this section be recorded in that pay-week or in advance in the two pay-weeks next thereafter shall nevertheless be recorded in respect of the pay-week in which it was earned.

(5) Any contribution recorded in advance in the second or third calendar weeks at the beginning of a benefit period shall be deemed to have been recorded in respect of the last calendar week, for which any contribution is already recorded, immediately preceding the commencement of such benefit period.

### *Inspection of Contribution Records by Employee*

141. The Commission shall, upon request, give each person employed in stevedoring in any designated port an opportunity of inspecting his contribution records so long as they are in its custody.

## LUMBERING AND LOGGING

### *Owner Deemed to be Employer*

142. (1) Where any person, engaged under a contract of service by an employer, performs any work in connection with any operations in lumbering and logging, in any logging limits, driveways, yards or mills, the owner thereof who authorizes the employer to undertake the work shall, in addition to such employer, be deemed to be the employer of such person for the purpose of the payment of contributions under the Act and regulations.

(2) For the purposes of this section,

- (a) "owner" means any owner (other than the Crown), lessee, licensee or permittee, but does not include one who only sells or rents stumpage or cutting rights; and
- (b) "lumbering and logging" means the cutting, skidding, felling, hauling, sealing, banking, driving, running, rafting or booming, and processing at the scene of woods operations, of any logs or timber, including cord wood, cedar posts, telegraph poles, railroad ties, tan bark, pulpwood, shingle bolts and staves.



### *Number and Rate of Contributions*

143. (1) Where any person is employed in lumbering and logging and is paid by the piece, on a share basis, on the basis of some other consideration whereby he provides, in addition to his services, such machinery or equipment as may be necessary for the purpose of these services, or on some similar basis, and

- (a) records are available to determine the number of days in which he works, contributions are payable in respect of any period of such employment for a number of calendar weeks to be ascertained by dividing by six the total number of working days during such periods; or
- (b) no records are available to determine the number of days in which he worked, contributions are payable in respect of any period of such employment for a number of calendar weeks to be ascertained by dividing the total amount of logs or timber scaled by the following divisors:

Rough Pulp-Cutting only .....	8 cords
Cutting and Sap Peeling .....	6 cords
Cutting and Dry Shaving .....	4 cords
Cutting Sawlogs .....	6,000 ft. BM.

provided in either case that where such determination results in a fraction of a week, such fraction shall be taken as a full week if greater than one-half and otherwise shall, subject to subsection (2), be disregarded.

(2) With respect to contributions payable under subsection (1), the earnings of an insured person for the period of such employment shall be deemed to be,

- (a) in British Columbia, at the rate of \$57.00 and over per week; and
  - (b) elsewhere in Canada, at the rate of \$51.00 to \$56.99 per week,
- for each calendar week resulting from the determination under subsection (1), unless the period of employment does not exceed one-half week as so determined, in which case the earnings for such period shall be deemed to be at the rate of \$15.00 to \$20.99 per week.

### *Railway Employees Paid on Mileage Basis*

144. For the purposes of section 97, a railway employee paid on a mileage basis shall be deemed to have worked in each calendar week or part week that falls in any semi-monthly pay period or monthly pay period, if his earnings for such semi-monthly or monthly pay period amount to or exceed \$180 or \$360 respectively.

## Part V

### BENEFIT

#### APPLICATION FOR BENEFIT

##### *General*

145. (1) Any insured person who desires to make a claim for benefit shall, in such manner as the Commission may from time to time direct, fulfil the conditions imposed by sections 146 to 148, which shall be deemed to be additional conditions for the receipt of benefit.

(2) Any failure to make a claim in the prescribed manner shall render the claimant liable to disqualification under subparagraph (ii) of paragraph (a) of subsection (2) of section 69 of the Act for so long as he fails to fulfil any such conditions.

(3) Any statement in material presented or in information provided pursuant to these regulations shall be made truthfully and without misrepresentation and accordingly may be accepted as true unless the contrary is proved.

(4) An officer of the Commission may, pursuant to general or specific directions of the Commission, in any particular case or in any class or group of cases, dispense with or vary the requirements of any of the provisions of sections 146 to 148, and in any such case the claimant shall furnish such evidence, or attend at a local office or other place, as may be required.

### *Initial and Renewal Claims*

146. (1) Every claimant, except a postal claimant, who desires to make an initial or renewal claim for benefit shall, in the prescribed manner

- (a) attend at the local office and register for employment;
- (b) apply for benefit at the local office on such forms as the Commission may from time to time determine;
- (c) lodge, make arrangements to lodge or produce as and when directed his contribution records at the local office; and
- (d) furnish in the manner and at the time required such evidence as to the fulfilment of the conditions and the absence of disqualification for receiving benefit and for that purpose attend at such office or place as directed.

(2) For the purposes of these regulations,

- (a) "initial claim" means a claim made for the purpose of establishing a claimant's benefit period or seasonal benefit period; and
- (b) "renewal claim" means a claim made during the currency of a benefit period or seasonal benefit period after the claimant has failed to report on two or more consecutive claim-report days.

### *Continuing Claims*

147. (1) Every claimant, except a postal claimant, who desires to make a continuing claim for benefit in the prescribed manner shall

- (a) attend at the local office at which he made his last initial or renewal claim for benefit or at such other place as may be permitted in his case and keep his application for employment alive;
- (b) produce his contribution records as and when directed; and
- (c) as proof of being unemployed, capable of and available for work and unable to obtain suitable employment, attend at such place on such claim-report day or days and at such time or times as an officer of the Commission may direct and furnish as may be required such other evidence as to the fulfilment of the conditions and the absence of disqualification for receiving or continuing to receive benefit and for that purpose attend at such office or place as directed.

(2) For the purpose of these regulations, "continuing claim" means a claim of a continuing nature for the purpose of keeping in effect during the currency of a benefit period or seasonal benefit period an initial or renewal claim by the claimant reporting at specified intervals to prove entitlement to benefit.

### *Postal Claimants*

148. (1) Every postal claimant shall comply with the requirements of sections 145 to 147, in person, except when an officer of the Commission has directed that he may do so by mail.

(2) For the purpose of fulfilling by mail the conditions laid down in paragraph (c) of section 147, he shall forward to the local office a special report signed by himself.

(3) For the purposes of these regulations, "postal claimant" means any claimant whose residence is in excess of such a distance from the local office, or the cost of whose ordinary return transportation between his residence and the local office is in excess of such an amount, as the Commission may from time to time determine.

### *Employer to Furnish Evidence*

149. Every person for whom the claimant has worked or from whom he has received remuneration, shall furnish immediately upon request of an officer of the Commission, any information in his possession relevant to the claim for benefit made by such claimant.

## BENEFIT PERIODS

### *Antedating*

150. (1) Where a claimant makes application to have his claim made effective for a period preceding the date on which he actually made his claim, the application may be approved from the date for which he proves that

- (a) he fulfilled in all respects the conditions of entitlement to benefit and was in a position to furnish proof thereof; and
- (b) throughout the whole period between such date and the date he actually made his claim he had good cause for delay in making such claim and furnishing such proof.

(2) For the purposes of this section, such ante-date shall in no case be more than thirteen weeks from the week in which he made his claim for benefit, and such ante-dated claim shall always commence with the Sunday of the week in which such ante-date falls.

### *Cancellation*

151. (1) Where a benefit period has been established in respect of a claimant but benefit is not payable or has not been paid in respect of that benefit period, the benefit period may be regarded as not having commenced if an insurance officer designated for the purpose so determines.

(2) Subsection (1) does not apply where the benefit period was established by reason of false statements or misrepresentations by or on behalf of the claimant and benefit in respect of that benefit period would not otherwise have been paid.



### *Waiving of Waiting Period*

152. An insurance officer may waive the waiting period in respect of a benefit period where

- (a) the benefit period commences either in the week in which the previous benefit period terminates or in the week immediately subsequent thereto, and
- (b) the excess of the claimant's earnings over his allowable earnings, for the last two weeks of his previous benefit period is not greater than his current weekly rate of benefit.

### *Prescribed Proof for Extensions of Qualifying Periods*

153. A claimant who requests that the qualifying periods specified in section 45 of the Act be extended, shall prove any of the conditions for the granting of the extension at such time and in such manner as the Commission may from time to time direct.

## CONDITIONS OF ENTITLEMENT

### *Unemployed on Sunday*

154. Whenever a person is not unemployed during a week by reason only that he does not work on a Sunday and can prove to the satisfaction of an insurance officer that his religious beliefs are such that he observes the Sabbath on Saturday instead of Sunday, he shall be unemployed during such week provided that Saturday is substituted for Sunday in the case of such person for the purposes of paragraph (a) of subsection (2) of section 57 of the Act.

### *Holidays and Non-Working Days*

155. (1) Subject to subsection (2), whenever a person is unemployed during a week by reason only that he does not work at his place of employment on a general continuous holiday, such person shall be unemployed during the week within the meaning of section 54 of the Act.

(2) Whenever a person is unemployed during a week by reason only that he does not work on a single holiday or on the working day immediately before or after such holiday or on any combination thereof, by reason of such holiday, such person shall not be unemployed during that week.

### *Unemployed during Farming Off-Season*

156. A claimant who is employed on his own account in the operation of a farm, shall be unemployed in respect of his farming operations during any week in the period commencing with the week in which October 1st falls and ending with the week in which the 31st of March falls (hereinafter called the "farming off-season"), if he

- (a) proves in this respect that he did no work or the work performed by him during such week was so limited in extent that it did not prevent him from accepting full-time employment, and
- (b) that during the two complete off-seasons preceding the week in which he made his claim for benefit a total of at least thirty contribution weeks were recorded in respect of him.

### *Unemployed and Available While on Relief*

157. Where a claimant performs work on any day for, and under the direct control of, a municipal, local or other public authority, or organization set up or specially authorized for that purpose under a scheme for the

relief of needy unemployed persons, as a condition precedent to the receipt of or in return for money, a voucher or an order to purchase food, clothing, shelter, fuel or other necessities of life, he shall be deemed in respect of the performance of such work to be unemployed and available for work on any such day for the purpose of the Act and these regulations, if such authority or organization certifies that he performed the work under the said plan and that its performance did not prevent him from accepting other work.

### *Full Working Week*

158. (1) "Full working week" means the number of hours, days or shifts that constitute the full week's work for any grade, class or shift in an occupation or at a factory, workshop or other premises at which the claimant is employed and, in the case of a claimant who is remunerated at a piece, mileage or other unit rate, the number of such units normally worked by persons so engaged.

(2) Any week for which the usual remuneration for a full working week is earned or paid shall be a full working week and in the case of any railway employee paid on a mileage basis, this shall mean any week in a month for which his earnings equal or exceed \$360.

(3) Subject to subsection (4), any week during which a person is engaged in business on his own account shall be a full working week.

(4) Any person, the nature of whose employment or self-employment is such that it would not prevent him from accepting full-time employment in a particular week, shall not be considered to have worked a full working week in that employment.

### *Unpaid Contributions Deemed to be Paid*

159. For the purpose of computing contribution weeks in respect of a benefit claim, unpaid contributions may be deemed by the Commission to have been paid

- (a) in the case of bankrupt or delinquent employers who have made deductions from the particular claimant's wages, when proof of such deductions is made and such contributions are required for the purpose of fulfilling the qualifying conditions and establishing the minimum duration of benefit, and
- (b) in the case of an employer given in writing an erroneous ruling by an officer of the Commission, contributions unpaid by reason of such ruling.

### *Effect of Contributions Wrongly Paid*

160. A week for which contributions have been paid in error in respect of any claimant shall not be taken into account for the purpose of determining his benefit rights unless in any particular case an officer designated by the Commission otherwise decides.

### *Additional Conditions Imposed upon Certain Married Women*

161. (1) Before any married woman may receive benefit for any week within the period of 104 weeks commencing with the week following her marriage, she shall, as an additional condition to the receipt of benefit, prove that she has ten contribution weeks during that period, provided however, that if she was in employment at the time of her marriage, such contribution weeks must be subsequent to her first separation from such employment.

(2) She shall then be entitled to receive benefit in respect of the week in which she proves the fulfilment of the additional condition and in respect of any week thereafter, provided that she fulfils all other conditions of entitlement to benefit and is not otherwise disqualified.

(3) The additional condition need not be fulfilled, as from the week in which she proves the occurrence of any of the following events:

(a) if she was unemployed at the time of her marriage, that her last separation from employment prior to her marriage, or if she was employed at the time of her marriage, that her first separation from employment after marriage, was in consequence of

(i) her employer's rule against retaining married women in his employ,

(ii) her discharge on account of shortage of work,

(iii) any other reason solely and directly connected with her employment, except misconduct or voluntarily leaving without just cause,

(iv) her incapacity for work due to illness, injury or quarantine, or

(v) her leaving the area to establish residence in a location where there are reasonable opportunities for her to obtain suitable employment, or

(b) that her husband has died, deserted her, or is permanently separated from her, or has become wholly incapacitated for work and that such incapacity has lasted for at least four consecutive weeks, and in the latter case proof of the occurrence of the event shall be deemed to have been fulfilled from the date of her claim for benefit but not prior to the commencement of the period of such incapacity.

(4) The additional condition need not be fulfilled while she works less than full time for the employer by whom she was employed at the time of her marriage and with whom she remained employed without interruption.

#### *Additional Conditions Imposed on Seasonal Workers Seasonal Worker*

162. (1) Where in respect of the most recent six weeks of employment of a person prior to the commencement of his benefit period there are three or more weeks during each of which he worked in a seasonal occupation within a seasonal industry, such person shall for the purposes of sections 163 and 164 be a seasonal worker.

(2) The seasonal industry applicable for the purpose of these sections shall be that in which the seasonal employment occurs or, where there are more than one such industry, that in which the greatest number of weeks during which such employment occurs or where the number of such weeks is equal, that in which the most recent week of such employment occurs.

#### *Entitlement to Benefit for Off-Season*

163. A seasonal worker shall be entitled to receive benefit for weeks during which he is unemployed in any off-season applicable in his case, only if he fulfils all the other conditions of entitlement to benefit and at the time he is declared to be a seasonal worker, he proves that, for at least six weeks in the off-season immediately preceding his initial claim or nine weeks in the two off-seasons immediately preceding his initial claim, he was employed

(a) in insurable employment;



- (2) In respect of certain areas, periods and classes of claimants' pay—other than those connected with him by blood relationship, marriage or adoption; or
- (c) partly in insurable employment and partly in such excepted employment.

164. For the purposes of sections 162 and 163,

- (a) "seasonal employment" means a person's employment in a seasonal occupation carried on within a seasonal industry;
- (b) "seasonal industry" means the following respective industries, which the Commission hereby declares to be seasonal industries;
  - (i) transportation by water on any of the inland waters of Canada, herein referred to as "transportation by water"; and
  - (ii) stevedoring in any of the inland ports, herein referred to as "stevedoring";
- (c) "off-season" means the period from the week following that in which December 16th falls to that in which April 14th falls;
- (d) "seasonal occupation" means the occupations specified hereunder which are carried on within the respective seasonal industries;
  - (i) in transportation by water, all occupations carried on by members of the crew of a vessel; "members of the crew" includes the master or officer in charge of the vessel, however designated, and every person subject to his authority serving on board and contributing in any way to the welfare of the vessel, the welfare of the passengers or the crew, or care of the cargo;
  - (ii) in stevedoring, all occupations directly connected with the loading or unloading of a vessel in port, including the occupations of shipliners, coopers, shedmen, coal handlers, gearmen, winchmen and checkers, and any others ordinarily carried on within reach of the ship's tackle or included in an agreement between employers and employees as stevedoring;
- (e) "inland waters of Canada" means all the rivers, lakes and other navigable fresh waters within Canada, including the River St. Lawrence as far seaward as a line drawn from Cap des Rosiers through West Point, Anticosti Island extending to the north shore, but not including any other estuaries, harbours or navigable rivers that are open for navigation all year; and for such purpose, a ship or vessel is engaged in the industry of transportation by water upon the inland waters of Canada when its operations or a substantial portion thereof normally consist of voyages upon any of the inland waters of Canada and it is ordinarily laid up during the winter months by reason of climatic conditions; and
- (f) "inland port" means a port on any of the inland waters of Canada described in paragraph (e).

164A. Sections 162, 163 and 164 shall come into force on the second day of October, 1956. (Section 164A added by P.C. 1955-1761).

#### PAYMENT OF BENEFIT

##### *Intervals*

165. (1) Payment of benefit is made at weekly intervals.

(2) In respect of certain areas, periods and classes of claimants, payment may be made at such intervals as the Commission may from time to time determine.

*No Benefit for Interim Contributions Until Decision*

166. Where an employer has paid contributions under section 134 pending the decision of the Commission or the Umpire, as the case may be, such contributions paid shall not be considered as paid for the purpose of computing contribution weeks, pending the decision until such time as the decision is final and is to the effect that contributions were payable in respect of the claimant.

*Suspension of Benefit Pending Appeal*

167. Benefit shall not be payable in accordance with the decision of a Board of Referees where in the opinion of the Commission such decision has ignored the explicit provisions of the Act or regulations, provided that an appeal to the Umpire is brought on these grounds within twenty-one days of the day on which the decision of the Board of Referees is given.

*Payment at the Dependency Rate*

168. (1) For the purpose of carrying out the provisions of subsection (3) of section 47 of the Act.

- (a) "self-contained domestic establishment" means a dwelling house, apartment, room or other similar place in which, among other things, the dependant for whom the insured person claims, ordinarily has his residence, sleeps and has his meals or has his domicile;
- (b) "connected by blood relationship" refers only to the insured person's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, uncles, aunts, nephews and nieces;
- (c) "connected by marriage" refers only to the parents, grandparents, great-grandparents, brothers and sisters of the insured person's spouse and his stepchildren;
- (d) "connection by adoption" refers only to adoption by process of law; and
- (e) "adopted child" refers to a child adopted in any manner.

(2) Where the dependant mentioned in subparagraphs (i) or (iii) of paragraph (a) of subsection (3) of section 47 of the Act has ordinarily earned income (including unemployment insurance benefit) in excess of \$14 a week and the dependant mentioned in subparagraphs (ii) or (iv) thereof has ordinarily income in excess of \$14 a week from any source, such dependant shall not be considered as being maintained wholly or mainly by the claimant or as being dependent on the claimant.

(3) A person who does not reside in Canada is not a dependant within the meaning of subsection (3) of section 47 of the Act unless such dependant is domiciled or resides

- (a) in the territory of Alaska or Hawaii, the District of Columbia or in any State of the United States of America with which Canada has a reciprocal agreement, or
- (b) in any other States of the United States of America and such dependant is able, if directed, to report in person at a local office in Canada.

*Payments in Respect of Persons Residing Outside of Canada*

169. (1) A claimant residing temporarily or permanently in Alaska or in any State of the United States of America, shall not be disqualified from the receipt of benefit by reason only of such residence, if he is available for work in Canada and reports personally at a local office as and when an officer of the Commission may direct.

(2) A claimant residing temporarily or permanently in the Territories of Alaska or Hawaii, the District of Columbia or in any State of the United States of America, with which Canada has a reciprocal agreement shall not be disqualified from the receipt of benefit by reason only of such residence, if he proves entitlement to benefit under the reciprocal agreement between Canada and the United States of America contained in the Schedule hereto.

*Inmates of an Institution*

170. A claimant who is an inmate of a hospital, mental institution or other similar institution, that is supported wholly or partly out of public funds, shall not be disqualified from receipt of benefit by reason only of being an inmate if the institution requires an inmate to pay all or part of his subsistence, depending upon his means or if, subsequently to having become entitled to receive benefit, and while otherwise continuing to be so entitled, the claimant became incapable of work by reason of illness, injury or quarantine and became an inmate by reason of such incapacity.

*Payments in respect of Persons of Unsound Mind, Incapacitated or Deceased*

171. Where any money is payable out of the Unemployment Insurance Fund to any person of unsound mind, to any incapacitated person, or to any person at the time of his death, the Commission or any officer authorized in that behalf by special or general directions of the Commission may authorize payment of such money or any part thereof to any person who, in its or his opinion, should receive it.

*Earnings for Purpose of Benefit*

172. (1) The earnings to be taken into account for the purpose of determining the amount of benefit payable to an insured person are, saving the exceptions in subsection (2), all remuneration or income received or to be received in connection with services performed by such person, whether or not under a contract of service and, for the purpose of this section, shall include

- (a) retirement leave credits;
- (b) wages in lieu of notice;
- (c) reserve army pay for attendance at camp for not more than two consecutive working days;
- (d) board and lodging;
- (e) holiday pay provided for by subsection (4) of section 173;
- (f) workmen's compensation paid in respect of total temporary disability; and
- (g) monies paid in consideration of a claimant's returning to or commencing work with, a specific employer.



- (2) The earnings of an insured person for the purpose of subsection (1) shall not include
- (a) bonuses or gratuities paid for past services;
  - (b) relief grants in cash or in kind;
  - (c) disability, military, old age, or retirement pension;
  - (d) workmen's compensation under a permanent settlement;
  - (e) payments under sickness and disability insurance plans;
  - (f) investment income;
  - (g) holiday pay other than that in paragraph (e) of subsection (1); or
  - (h) earnings less than \$1.00 in a week.

(3) The earnings of an insured person as provided in subsection (1) means in the case of an insured person who has been self-employed the net earnings after allowance for the cost of materials or equipment or other similar costs, if any, that have been incurred for the purpose of such earnings and in the case of all other insured persons it means the gross earnings.

(4) For the purpose of paragraph (d) of subsection (1) the value of board and lodging shall be computed according to the scale of values set out in subsection (2) of section 86.

(5) For the purpose of determining the amount of benefit payable to a claimant with respect to whom contributions for the period being claimed for had been recorded in advance, the amount of earnings to be taken into account shall be the lowest amount in the range represented by such contributions in the period of claim and where the total value of such contributions does not correspond exactly with the value of the weekly contributions set out under section 37 of the Act the nearest such value shall be taken.

### *Allocation of Earnings for Benefit Purposes*

173. (1) Subject to subsection (3), the earnings of an insured person shall be allocated, for the purpose of determining the amount of benefit payable, to the period for which earned or paid.

(2) If the earnings are for a period that is monthly, semi-monthly or that otherwise does not coincide exactly with a claim week, such earnings shall be allocated to the days for which earned or paid in the particular claim week in the proportion that such days bear to the total pay period.

(3) Retirement leave credits shall be allocated on a *pro rata* basis to the week or weeks in the period in which received.

(4) Holiday pay and pay credits shall be allocated on a *pro rata* basis to the week or weeks in the holiday period but, in the case of a laid-off or separated employee, shall be taken into account as earnings and so allocated only if such period is, at the place where he was employed, a general continuous holiday which commences within six weeks after such separation or lay-off.

(5) Where a claimant works on a Saturday continuously through midnight into Sunday the earnings for such work shall be allocated to the week in which the Sunday falls if the time spent on such work after midnight is equal to or longer than the time worked before midnight and otherwise the earnings for such work shall be allocated to the week in which the Saturday falls.

(6) For the purposes of this section, fractions of a dollar equal to or greater than one-half shall be taken as a full dollar and lesser fractions disregarded.

#### *Ratification of Benefit Wrongly Paid*

174. Sums paid by way of benefit while a claimant was not entitled thereto may be ratified by an authorized officer of the Commission, except where

- (a) there is evidence of misrepresentation or false statements on the part of the claimant or a person on his behalf; or
- (b) such sums were not paid in accordance with the rate or duration of benefit authorized by an insurance officer, unless in the opinion of an authorized officer of the Commission they were received in good faith by the claimant.

#### *Write-off of Benefit Wrongly Paid*

175. Sums paid by way of benefit while the claimant was not entitled thereto and which are owing to the Fund, may be considered by a designated officer of the Commission as no longer due and owing to the Fund, where

- (a) the claimant is a discharged bankrupt;
- (b) the claimant is deceased;
- (c) the sums have not been repaid to the Fund within three years from the date they were payable to the Fund;
- (d) in accordance with instructions issued by the Commission, it is considered that the repayment of the sums would result in undue hardship to the claimant; or
- (e) the aggregate of such sums does not exceed five dollars.

### ADJUDICATION AND APPEAL PROCEDURE

#### *Insurance Officers' Powers*

176. (1) The Commission may from time to time determine the procedure to be followed for the consideration and examination of benefit claims and questions to be considered by an insurance officer and, without limiting the generality of the foregoing, may also determine from time to time the claims and questions which any insurance officer shall examine.

(2) An insurance officer, before deciding any question arising in connection with a claim for benefit, may refer the question for investigation and report.

#### *Constitution of Boards of Referees*

177. (1) Boards of Referees shall be constituted by the Commission and each shall consist of a chairman appointed under subsection (2) of section 17 of the Act and one or more members of the employed persons' panel and an equal number of members from the employers' panel.

(2) A panel shall be composed of such persons as the Commission may from time to time choose for such period as it may stipulate and such membership may be terminated by the Commission at any time.

(3) As far as is practicable, members of a board, other than a chairman, shall be selected in rotation from each respective panel.

(4) No person shall be a member of a board during the consideration of a case

- (a) in which he is or has been a representative of the claimant;
- (b) by which he is or may be directly affected; or
- (c) in which he has taken any part either on behalf of an association, or as an employer, or as a witness, or otherwise.

178. Any claim or question which is referred to a board or any appeal from a decision of an insurance officer may be proceeded with, despite the absence of members of the board, not exceeding half their number, provided that the chairman is present and the claimant or his representative consents to so proceeding.

### *Appeal to a Board*

179. An appeal from a decision of an insurance officer shall be in writing, shall contain a statement of the grounds of the appeal, and shall be filed at the local office from which the claimant received notification of the insurance officer's decision.

### *Hearing*

180. (1) A claimant may apply for a hearing where

- (a) his claim for benefit is referred to a board, within seven days from receipt of notice of the reference; or
- (b) he appeals to a board of referees from a decision of an insurance officer, at the time of filing the appeal.

(2) Application for a hearing shall be in writing and shall be filed with the local office at which the appeal is filed.

(3) The chairman shall grant a hearing upon such application but if no such application has been made he may nevertheless direct that there shall be a hearing.

(4) In no case shall a person be entitled to be paid for travelling or other allowances for the purpose of attending the hearing unless he is directed in writing by the chairman of the board to attend before the board.

(5) The procedure on a hearing shall be determined by the chairman.

### *Referral for Investigation*

181. Before deciding any question arising in connection with a claim for benefit, the chairman of a board, at any time prior to the board's decision, may refer the question for investigation and report.

### *Decision of a Board*

182. (1) A board shall not decide a case until a reasonable opportunity has been given to the claimant to make any representations which he desires the board to consider in making its decision and, where he fails to do so, he shall be deemed to have had such reasonable opportunity.

(2) Where any member of a board dissents from the decision of the board the reasons for his dissent shall be recorded in the report of the proceedings of the board.

(3) As soon as a board has reached a decision the chairman shall file such decision with the insurance officer.

(4) The claimant shall be notified in writing of the decision.



*Leave to Appeal to the Umpire*

183. (1) An application for leave to appeal to the Umpire under subsection (1) of section 73 of the Act shall be made within thirty days of the date on which the decision of the board is communicated to the claimant, or within such further time as the Commission may in any particular case for special reasons allow, and in such form and manner as the Commission may from time to time direct.

(2) Within fifteen days after the receipt of any such application the chairman shall notify the insurance officer in writing of his decision and the insurance officer shall forthwith send written notice of such decision to the claimant.

*Manner of Appeal to the Umpire*

184. (1) An appeal to the Umpire from the decision of a board shall be filed in writing at the local office from which the claimant received notification of the decision of the board of referees.

(2) The insurance officer or any person or association having an immediate interest in the decision may, within ten days of the date on which an appeal is filed or within such further time as the Umpire may in any particular case for special reasons allow, file with such local office for submission to the Umpire a statement of observations and representations for consideration by the Umpire.

*Question of Immediate Interest*

185. The question as to whether any person or association has an immediate interest is one for the Umpire to decide.

*Hearing by the Umpire*

186. (1) Any person or association having an immediate interest in the decision may apply to the Umpire in writing for a hearing and the Umpire shall thereupon grant a hearing.

(2) An application to the Umpire for a hearing shall be filed at the local office at which the appeal is filed, within ten days of the date on which an appeal is filed or within such further time as the Umpire may in any particular case for special reasons allow.

(3) If no application has been made the Umpire may nevertheless direct that there shall be a hearing.

(4) In no case shall a person be entitled to be paid for travelling or other allowances for the purpose of attending the hearing unless he is requested by the Umpire to attend before him.

(5) In any case in which a hearing is to be held, such notice in writing of the date, time, and place of the hearing as the Umpire may direct shall be sent to such persons or associations as the Umpire may direct.

(6) The procedure on the hearing of an appeal shall be determined by the Umpire.

*Decision of the Umpire*

187. (1) The decision of the Umpire shall be in writing and under the seal of the Registrar of the Umpire, and the Registrar shall send a copy thereof to the claimant and any other person or association having an immediate interest in the decision.

(2) The Commission may publish the decision, or a digest thereof, if and as it deems expedient.

## Part VI

## TRANSITIONAL

*Special Rule Regarding Rate and Duration of Benefit*

188. The provisions of the new Act with respect to benefit shall apply to benefit years established under the old Act and not yet terminated on October 1, 1955, as well as to benefit years established as a result of applications for benefit pending under the old Act on October 1, 1955, except as regards rate and duration of such benefit which shall be as hereunder provided:

- (a) As regards rate of such benefit the weekly rate to be paid, in accordance with the new Act, shall be that shown in the table hereunder opposite the daily rate of benefit which would apply under the old Act were it not for the new Act.

TABLE

<i>Column 1 Without Dependent</i>		<i>Column 2 With Dependent</i>	
Daily Old	Weekly New	Daily Old	Weekly New
\$0.70	\$ 6.00	\$0.80	\$ 8.00
1.00	6.00	1.25	8.00
1.45	9.00	2.00	12.00
1.80	11.00	2.50	15.00
2.15	13.00	3.00	18.00
2.50	15.00	3.50	21.00
2.85	17.00	4.00	24.00

- (b) As regards duration of such benefit no person shall, in respect of any converted benefit period, be paid benefit in excess of the daily rate established under the old Act multiplied by the number of benefit days remaining as of October 2, 1955 in the benefit year established under the old Act provided, however, that fractions of a dollar equal to or greater than one-half shall be taken as a full dollar and lesser fractions disregarded.

*Veterans*

189. Upon the discharge of any person to whom section 12 of the Veterans Benefit Act, 1954, applies there shall be credited to the Fund out of moneys appropriated by Parliament for the purpose, the amount of the contributions of the employer and employed person at the combined weekly rate of ninety-six cents for a period equal to the period of service of such person up to a maximum period of one hundred and four weeks, and such person is deemed to have been *bona fide* employed in insurable employment during the said period of service and all contributions are deemed to have been paid in respect of such person during the said period of

service, but where the period of service of such person exceeds ninety-one days and such combined contributions, when added to any contributions made with respect to him prior to such period of service, provide less than fifteen weeks' benefit upon discharge, there shall be credited to the Fund for such purpose contributions in an amount sufficient to provide fifteen weeks' benefit for such person upon his discharge.

### *Special Rule Regarding Contributions*

190. (1) Subject to subsection (2), where the average of the weekly contributions paid under the old Act with respect to any period is as shown in column 1 in the table hereunder, such average shall be deemed to be the average shown in column 2 opposite that in column 1.

TABLE

Column 1	Column 2
Less than.....27¢	Less than.....20¢
27¢ and under..33¢	20¢ and under..27¢
33¢ and under..39¢	27¢ and under..33¢
39¢ and under..45¢	33¢ and under..39¢
45¢ and under..51¢	39¢ and under..45¢
51¢ and over...	45¢ and under..50¢

(2) Where in any case there are eight or more weekly contributions subsequent to October 1, 1955, and the average of such contributions is higher than the average of the contributions prior to that date, the average to be taken into account shall be that only of the contributions subsequent to October 1, 1955. (Section 190 amended by P.C. 1955-1900).

## **Schedule**

### AGREEMENT BETWEEN CANADA AND THE UNITED STATES RESPECTING UNEMPLOYMENT INSURANCE

#### *Article I*

(a) In this agreement, unless the context otherwise requires,

- (i) "agency" means any officer, board, commission or other authority designated by an Unemployment Insurance Law in force in any state or in Canada to administer the Unemployment Insurance Fund for which provision is made by such Unemployment Insurance Law;
- (ii) "state" means any state of the United States of America, the territories of Alaska and Hawaii, and the District of Columbia;
- (iii) "Federal agency" means the agency authorized to administer those provisions of the laws of the United States of America which relate to the Federal-State unemployment insurance program.
- (iv) "jurisdiction" means any state or Canada.



- (b) Services performed by an individual for an employer shall be deemed to be localized within a jurisdiction if
  - (i) such services are performed entirely within such jurisdiction, or
  - (ii) such services are performed both within and without such jurisdiction, but the services performed without such jurisdiction are incidental to the individual's services performed within such jurisdiction, for example, are temporary or transitory in nature or consist of isolated transactions.

## *Article II*

This agreement shall not be applicable to employment with respect to which contributions are payable under the Railroad Unemployment Insurance Act of the United States of America or to the periods of unemployment with respect to which benefits are payable under that Act.

## *Article III*

The Government of the United States of America agrees that the Federal Agency will recommend to each of the states that it carry out the provisions herein contained and Canada agrees to carry out such provisions: Provided that if any state does not substantially carry out any such provisions, the Unemployment Insurance Commission of Canada may suspend the operation of such provisions with reference to such state.

## *Article IV*

- (a) An individual's entire services for an employer in insurable employment as defined in the unemployment insurance law of a jurisdiction will be insured under the unemployment insurance law of such jurisdiction in respect of services performed by him within, or both within and without such jurisdiction if
  - (1) his services are localized in such jurisdiction, or
  - (2) his services are not localized in any jurisdiction but some of his services are performed in such jurisdiction, and
    - (i) his base of operations, or if he has no base of operations, the place from which his services are directed or controlled is in such jurisdiction, or
    - (ii) his base of operations or the place from which his services are directed or controlled is not in any jurisdiction in which some of his services are performed, but his residence is in such jurisdiction.
- (b) If clauses one and two of paragraph (a) of this article do not apply with respect to an individual's services, the agency of any jurisdiction may approve, subject to such conditions as it may prescribe or as may be prescribed by its unemployment insurance law, an election by such individual's employer pursuant to which such individual's entire services for that employer shall be deemed to be insured employment under the unemployment insurance law of such jurisdiction.

## *Article V*

The agency of any jurisdiction may perform services for the agency of any other jurisdiction in the taking and development of any claim for benefits by an individual absent from such latter jurisdiction and desirous of claiming benefits under the unemployment insurance law of such jurisdiction.

*Article VI*

To avoid the duplication of unemployment insurance payments with respect to the same period of unemployment, the order in which an individual who has benefit rights under the unemployment insurance laws of two or more jurisdictions shall exhaust or otherwise terminate his rights to benefits shall be determined jointly by the Federal agency of the United States of America and the Unemployment Insurance Commission of Canada in such manner as to be reasonable and just as between all affected interests.

*Article VII*

This agreement may be amended by mutual arrangement evidenced by an exchange of notes between the two Governments, and may be terminated by either Government after sixty days' notice to the other Government.

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